

**Implementation of Title IV of the Magnuson-Stevens Fishery
Conservation and Management Reauthorization Act of 2006**

**Report to Congress Pursuant to Section 403 (a) of the Magnuson-
Stevens Fishery Conservation and Management Reauthorization Act of
2006**

January 2009

**U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230**

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Management Reauthorization Act of 2006**

Biennial Report to Congress – January 2009

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Executive Summary

The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) was adopted by the U.S. Congress and signed into law by the U.S. President in January 2007. This Act contains a number of new provisions that will significantly shape the focus of fisheries management in the coming years. Importantly, the MSRA pays an unprecedented level of attention to international fisheries. The overarching approach is a call for the Secretary of Commerce to work multilaterally through various fora, such as Regional Fishery Management Organizations (RFMOs), to address illegal, unreported and unregulated (IUU) fishing and bycatch of protected living marine resources (PLMRs). The National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration is the implementing agency within the Department of Commerce for the authorities and responsibilities under the MSRA.

Specifically, Title IV of the MSRA amends the High Seas Driftnet Fishing Moratorium Protection Act (Moratorium Protection Act) to require the Secretary of Commerce to produce a biennial report to Congress that includes: the state of knowledge on the status of international living marine resources shared by the United States or subject to treaties or agreements to which the United States is a party; a list of nations the United States has identified as having vessels engaged in IUU fishing and/or bycatch of PLMRs; a description of efforts taken by nations on those lists to take appropriate corrective action consistent with the Act; progress at the international level to strengthen the efforts of international fishery management organizations to end IUU fishing; and the steps taken by the Secretary at the international level to adopt measures comparable to those of the United States to reduce the impacts of fishing and other practices on PLMRs.

Under Title IV of the MSRA, the Secretary of Commerce must seek to strengthen international fishery management organizations to address IUU fishing and reduce fishing impacts on PLMRs through the adoption of IUU vessel lists, stronger port state controls, market-related measures, and other actions. The United States has actively worked to strengthen existing RFMOs through renegotiation of their underlying agreements or negotiation of new protocols. With substantial U.S. involvement, international fishery management organizations have taken action towards the adoption and sharing of vessel lists; use of observers and technologies to monitor compliance; promotion and use of centralized vessel monitoring systems (VMS); adoption of trade tracking and documentation schemes; prevention of trade in or importation of IUU-caught fish or other living marine resources; and protection for vulnerable marine ecosystems.

The Act also calls on the Secretary of Commerce to promote improved monitoring and surveillance of international fisheries. NMFS has taken a number of actions to fulfill these obligations, such as the establishment of programs to share information on IUU fishing activities; development of real-time information sharing capabilities; and leadership in efforts to build and strengthen the international Monitoring, Control, and Surveillance (MCS) Network. NMFS has also sought to improve monitoring and

compliance by helping to create an international registry or database of fishing vessels; enhancing detection of IUU and other illegal fishing incursions through remote sensing technology; and supporting VMS requirements for large-scale fishing vessels operating on the high seas.

Under Title IV, once a nation has been identified as having vessels engaged in IUU fishing and/or bycatch of PLMRs, the Secretary, in some cases acting with or through the Secretary of State, is to work with and encourage identified nations to take appropriate corrective action to address IUU fishing, and/or to adopt regulatory programs for PLMRs that are comparable to United States programs, taking into account different conditions, and to establish management plans for PLMRs. The Secretary is also called on to certify to Congress whether appropriate corrective action is being taken by identified nations. As required by the Act, this biennial report lists nations identified under the MSRA, based on the definitions and standards set out in the statute.

The Act requires the development of rulemaking to implement certification procedures for nations that have been identified. The absence of steps by identified nations to address problems of IUU fishing and bycatch of PLMRs may lead to prohibitions on the importation of certain fisheries products from such nations into the United States and other measures. Although rulemaking with regard to identification is not required, NMFS has drafted a proposed rule that would establish procedures for the identification of nations whose vessels are engaged in IUU fishing and/or bycatch of PLMRs, as well as procedures to certify whether appropriate corrective action is being taken by identified nations. The proposed rule is currently in the Executive Branch clearance process. At the same time, as required by the Act, NMFS has also proceeded to identify nations for purposes of this biennial report, based on the standards and criteria set forth in the Act.

Title IV further specifies that the Secretary of Commerce shall, to the greatest extent possible consistent with existing authority and availability of funds, provide appropriate assistance to nations identified under subsection 610(a) and international organizations of which those nations are a part; undertake, where appropriate, cooperative research activities on species statistics and improved harvesting techniques; encourage and facilitate the transfer of appropriate technology to assist nations in qualifying for certification under subsection 610(c); and provide assistance to those nations or organizations in designing and implementing appropriate fish harvesting plans. NMFS has been involved in various international assistance efforts through international agreements and bodies, such as the United Nations Fish Stocks Agreement, United Nations General Assembly and various RFMOs. In cooperation with its federal partners, NMFS has assisted other nations in addressing IUU fishing activity and reducing bycatch of PLMRs by hosting and supporting workshops and providing training and technical assistance on techniques and tools to strengthen enforcement and prevent IUU fishing; methods to prevent and mitigate incidental take of marine turtles, mammals, seabirds, and other resources; and response to marine mammal strandings. NMFS has also provided technical and other assistance to developing countries to improve their MCS capabilities and has sought to promote the development of effective fisheries observer programs in other countries.

Finally, as noted above, the biennial report to Congress must outline the state of knowledge on the status of international living marine resources that are shared by the United States or subject to treaties or agreements to which the United States is a party. A list of international living marine resources, including information on their status, is set forth in this biennial report. This list will be reviewed and updated, as necessary, for future reports.

NMFS is actively working to implement the international provisions of the MSRA. As NMFS strives to work in a cooperative and transparent manner towards achieving the goals of the MSRA, this biennial report describes in detail the relevant activities that have been taken to date. Future actions will be outlined in subsequent biennial reports to Congress.

List of Acronyms

Acronym	Full Name
ACAP	Agreement on the Conservation of Albatrosses and Petrels
AIDCP	Agreement on the International Dolphin Conservation Program
APEC	Asia Pacific Economic Cooperation
CAFTA	United States - Central America Free Trade Agreement
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCAS	Convention on the Conservation of Antarctic Seals
CCBSP	Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea
CCM	For WCPFC – refers to all Commission members, cooperating non-members and participating territories
CITES	Convention on International Trade in Endangered Species
CNMI	Commonwealth of the Northern Mariana Islands
COFI	Committee on Fisheries of the United Nations Food and Agriculture Organization
CMS	Convention on Migratory Species
CPC	For ICCAT – refers to all contracting parties, cooperating non-parties, entities and fishing entities; for IATTC – refers to all contracting parties, cooperating non-parties, fishing entities and regional economic integration organizations
CSD	Commission on Sustainable Development
DMLs	Dolphin mortality limits (under the AIDCP)
DOS	United States Department of State
EEZ	Exclusive Economic Zone
EPO	Eastern Pacific Ocean
ESA	Endangered Species Act
ETP	Eastern Tropical Pacific
EU	European Union
FAD	Fish aggregating device
FAO	United Nations Food and Agriculture Organization
FFA	Forum Fisheries Agency
FSCS	Fisheries Scientific Computer System
GFCM	General Fisheries Commission for the Mediterranean
HSDN	High seas driftnet
HSFCA	High Seas Fishing Compliance Act
IAC	Inter American Convention for the Conservation and Protection of Sea Turtles
IATTC	Inter American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICRW	International Convention for the Regulation of Whaling

Acronym	Full Name
IIS	Integrated information system
IOC	Intergovernmental Oceanographic Commission
IMO	International Maritime Organization
IOSEA	Indian Ocean – South East Asia Marine Turtle Memorandum of Understanding
IPHC	International Pacific Halibut Commission
IPOA – IUU	International Plan of Action to Prevent, Deter and Eliminate IUU Fishing
IPOA – Seabirds	International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries
IPOA – Sharks	International Plan of Action for the Conservation and Management of Sharks
IUCN	World Conservation Union
IUU	Illegal, unreported and unregulated fishing
IWC	International Whaling Commission
MCS	Monitoring, control and surveillance
MCS Network	International Monitoring, Control and Surveillance Network
MEA	Multilateral environmental agreement
MMPA	Marine Mammal Protection Act
MOU	Memorandum of understanding
MSRA	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006
NAFO	Northwest Atlantic Fisheries Organization
NASCO	North Atlantic Salmon Conservation Organization
NEAFC	Northeast Atlantic Fisheries Commission
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service of the National Oceanic and Atmospheric Administration
NOAA	National Oceanic and Atmospheric Administration
NPAFC	North Pacific Anadromous Fisheries Commission
OECD	Organization for Economic Cooperation and Development
OLE	Office of Law Enforcement, National Marine Fisheries Service
PLMRs	Protected living marine resources
RFA	Regulatory Flexibility Act
RFMO	Regional Fisheries Management Organization
SCRS	Standing Committee on Research and Statistics (ICCAT)
SEAFO	South East Atlantic Fisheries Organization
SIOFA	South Indian Ocean Fisheries Agreement
SPAW	Protocol for Specially Protected Areas and Wildlife
SPREP	Secretariat of the Pacific Regional Environment Program
SPRFMO	South Pacific Regional Fisheries Management Organization
SPTT	South Pacific Tuna Treaty
SWIOFC	South West Indian Ocean Fisheries Commission

Acronym	Full Name
TED	Turtle excluder device
UNCLOS	United Nations Convention on the Law of the Sea
UNFSA	United Nations Fish Stocks Agreement
UNGA	United Nations General Assembly
UNICPOLOS	United Nations Open – Ended Informal Consultative Process on Oceans and the Law of the Sea
USAID	United States Agency for International Development
USCG	United States Coast Guard
VME	Vulnerable marine ecosystem
VMS	Vessel monitoring system
WCPFC	Western and Central Pacific Fisheries Commission
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization

Implementation of Title IV of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006

Biennial Report to Congress January 2009

I. Introduction

This is the first biennial report on implementation of the international responsibilities assigned to the Secretary of Commerce under Title IV of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, P. L. 109-479 (MSRA or the Act). In this Act, Congress recognized the need for international cooperation to address some of the most significant issues affecting international fisheries today, including illegal, unreported, and unregulated (IUU) fishing¹ and fishing practices that may undermine the sustainability of living marine resources. Congress emphasized, in particular, that international fisheries management organizations and their member nations need better tools and stronger enforcement mechanisms to address these issues. The Act is aimed at strengthening U.S. leadership towards improving international fisheries management and enforcement, particularly with regard to IUU fishing and bycatch of protected living marine resources (PLMRs).

Title IV of P. L. 109-479 amends the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et. seq., and the High Seas Driftnet Fishing Moratorium Protection Act (Moratorium Protection Act), 16 U.S.C. 1826d et. seq., to direct the United States to proceed bilaterally and multilaterally through various entities, including Regional Fishery Management Organizations (RFMOs), to address IUU fishing, bycatch of PLMRs and related issues. The Secretary of Commerce, in some cases acting with or through the Secretary of State, will exercise these authorities and responsibilities. The Secretary of Commerce is also authorized to undertake activities to promote improved monitoring and compliance for international fisheries. The National Marine Fisheries Service of the National Oceanic and Atmospheric Administration (NMFS) is the implementing agency within the Department of Commerce.

¹ Section 402 of the MSRA finds that 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” (emphasis added). On the other hand, Section 403 of the MSRA, which establishes the standards for identification and certification of nations whose vessels engage in IUU fishing, uses a disjunctive formulation of the term, referring to nations whose vessels are engaged in “illegal, unreported, **or** unregulated” fishing. For purposes of identification and certification decisions, Section 403, likewise, defines the term in the disjunctive, “illegal, unreported, **or** unregulated fishing”. The United Nations Food and Agriculture Organization and other international bodies generally employ the conjunctive formulation of the term in publications, plans of action, and related materials. In this report, we use the acronym “IUU fishing,” without indicating whether the conjunctive or disjunctive formulation is intended, but with the understanding that where identification and certification determinations are at issue under the MSRA, the term is to be understood and employed in the disjunctive. We do not intend any particular legal meaning or consequence to flow from the use of the term in this report.

The Act requires the Secretary of Commerce to produce a biennial report describing, *inter alia*, progress in the international arena to strengthen RFMOs to address IUU fishing and to end or reduce fishing impacts on PLMRs; the state of knowledge on the status of international living marine resources shared by the United States or subject to treaties or agreements to which the United States is a party; and the countries the United States has identified as having vessels engaged in IUU fishing and/or bycatch of PLMRs. This first biennial report describes actions taken to date to implement the international provisions of the Act, including actions that have been and are now being taken to address IUU activities and bycatch of PLMRs through international organizations, including RFMOs, and on a bilateral basis. The report includes information on actions taken to assist other countries in achieving sustainable fisheries and minimizing bycatch and discards. It also sets forth the nations identified as having vessels engaged in IUU fishing and/or bycatch of PLMRs under Sections 609 and 610 of the Moratorium Protection Act (Section 403 of the MSRA).

II. Background Information

A. Illegal, Unreported, Unregulated Fishing Activity

In general, IUU² fishing activity refers to fishing activity that does not comply with national, regional or global fisheries conservation and management obligations in areas under the jurisdiction of national or international entities. In addition, unregulated and/or unreported fishing may occur in international waters where no international management authority or regulation is in place.

IUU fishing activity affects fisheries of all types – from small scale to industrial. It encompasses a complex array of actions including illegal harvesting, as well as the shipment, processing, landing, sale and distribution of fish and fishery products. The provisioning of vessels and financing may also contribute to IUU fishing.³ IUU fishing thwarts attempts by States and international organizations to manage fisheries in a responsible manner. It also affects the ability of governments to support sustainable livelihoods for fishers and, more broadly, to achieve food security. The United Nations General Assembly (UNGA) has termed IUU fishing, “one of the greatest threats to marine ecosystems [that] continues to have serious and major implications for the conservation and management of ocean resources.”⁴ The U.S. Congress declared in the

² See n. 1 above with regard to the use of this term in the MSRA and generally in the international community.

³FAO Committee on Fisheries, “Combating Illegal, Unreported and Unregulated Fishing Through Monitoring, Control and Surveillance, Port State Measures and Other Means,” p. 2.

⁴ General Assembly Resolution, A/RES/60/31 (2006), para 33.

findings to the MSRA that IUU fishing “may harm the sustainability of living marine resources.”⁵

1. Definition of IUU Fishing

As set forth in Section 609(e)(3) of the Moratorium Protection Act (Section 403 of the MSRA), and as promulgated in a final rule by NOAA on April 12, 2007 (72 Fed. Reg. 18404), “illegal, reported or unregulated” fishing includes:

- “(A) fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and bycatch reduction requirements;
- (B) overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; or
- (C) fishing activity that has an adverse impact on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.”

NMFS decided to publish the definition exactly as set forth in Section 609(e)(3) of the Moratorium Protection Act (Section 403 of the MSRA). If needed, NMFS may revise the definition of “illegal, unreported, or unregulated” fishing at a later date.

2. Effects of IUU Fishing

Because IUU fishing activities are often carried out covertly, monitoring and detection are difficult. This renders quantification of the problem elusive. The Food and Agriculture Organization of the United Nations (FAO) notes that although the exact extent of IUU fishing is not known, it is estimated that for some important fisheries IUU fishing accounts for about 30 percent of the total catch.⁶

The FAO reports that IUU fishing activities have widespread economic, social, and management consequences, including depriving legitimate fishers of harvest opportunities. IUU fishing also deprives managers of information critical to stock assessments, and may exacerbate the problem of discards and bycatch because vessels engaged in illegal activity are likely to use unsustainable fishing practices and non-selective gear.

IUU fishing activities tend to be dynamic, adaptable, highly mobile, and increasingly sophisticated as IUU fisheries continue to find and exploit weak links in the international

⁵ P.L. 109-479, Section 402, amending 16 U.S.C. 1801(a).

⁶ Bray, K., A Global Review of Illegal, Unreported and Unregulated (IUU) Fishing. Available at www.fao.org/DOCREP/005/Y3274E/y3274e08.htm.

fisheries regulatory system. Among other factors, the continuing use of flags of convenience, as well as ports of convenience, exacerbates the scope and extent of IUU fishing activities.

3. International Approaches to IUU Fishing

Since IUU fishing activities are complex, a broad range of governments and entities must be involved in combating them. These include flag States, coastal States, port States, market States, international and intergovernmental organizations, the fishing industry, non-governmental organizations, financial institutions, insurers and consumers. The MSRA recognizes the importance of active U.S. involvement in international efforts to combat IUU fishing through activities such as adoption of IUU vessel lists; stronger port State controls; improved monitoring, control and surveillance (MCS); implementation of market-related measures to help ensure compliance; and capacity-building assistance. The United States is a member of or has substantial interests in numerous international fisheries and related agreements and organizations (see Annex 1 for a list of those most relevant to this report). A discussion of the international actions the United States has been taking and will continue to take concerning IUU fishing is set forth below.

B. Bycatch of Protected Living Marine Resources

1. Definition of Protected Living Marine Resources

The unintentional catch (bycatch) of PLMRs is also a serious issue in international fisheries. For purposes of the Moratorium Protection Act, protected living marine resources (PLMRs) “means (1) non-target fish, sea turtles, or marine mammals that are protected under U.S. law or international agreement, including the Marine Mammal Protection Act, the Endangered Species Act, the Shark Finning Prohibition Act, and the Convention on the International Trade in Endangered Species of Wild Flora and Fauna, but (2) does not include species, except sharks, managed under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act, or any international fishery management agreement.”⁷ NMFS has developed a list of PLMRs for purposes of the Act.⁸ The list will be made available when the proposed rule is published.

⁷ MSRA Section 403(a), adding new Section 610(e) to the High Seas Driftnet Fishing Moratorium Protection Act, 16 U.S.C. 1826d, et seq.

⁸ Seabirds are not included in the definition of PLMRs under the MSRA. However, they are an international living marine resource for which conservation is an issue of growing global concern, and an issue on which NMFS has been actively involved internationally. Section 116 of the MSRA highlights the need for the Secretary of Commerce to work cooperatively with the Secretary of Interior and industry and within international organizations to seek ways to mitigate seabird bycatch. Seabirds are discussed in this report as an international living marine resource. See Section IV and Appendix 3.

2. Effects of Bycatch

Bycatch of PLMRs in fisheries limits the ability of the United States and other nations to conserve these resources. Examples of bycatch of PLMRs include incidentally caught or injured sea turtles, sharks, dolphins and other marine mammals. Without proper measures in place to address bycatch, fishing can lead to injury or mortality of protected species, and can also have significant negative consequences for marine ecosystems and biodiversity.

3. International Approaches to Reduce Bycatch

In enacting the MSRA, Congress recognized the importance of U.S. leadership in establishing international measures to end or reduce bycatch of PLMRs. The United States is party to a number of international agreements related to the protection of living marine resources, as well as to numerous global, regional, and bilateral fisheries agreements (see Annex 1). This report describes the actions the United States has been taking and will continue to take in all relevant international forums and bilaterally to pursue strengthened bycatch reduction measures comparable to those of the United States.

III. Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) – Provisions and Implementation

A. Provisions of the Act

Section 402 of the MSRA, adds to the Magnuson-Stevens Fishery Conservation and Management Act a finding that international cooperation is necessary to address IUU fishing activities. Section 403(a) of the MSRA, in turn, adds a new Section 608 to the Moratorium Protection Act, calling on the Secretary of Commerce, in consultation with the Secretary of State, and in cooperation with relevant regional fishery management councils and any relevant advisory committees, to take actions to improve the effectiveness of international fishery management organizations in conserving and managing stocks under their jurisdiction. These actions are to include:

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

- (A) incorporate multilateral market-related measures against member or nonmember governments whose vessels engage in illegal, unreported, or unregulated fishing;
- (B) 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) 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) 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) 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.”⁹

MSRA Section 401 adds a new Section 207 to the Magnuson-Stevens Fishery Conservation and Management Act authorizing the Secretary of Commerce to undertake activities to promote improved monitoring and compliance for high seas fisheries or fisheries governed by international fishery management agreements through sharing of information, participating in global and regional efforts to build an international MCS network, supporting efforts to create an international registry or database of fishing vessels, and other activities.

The MSRA also calls on the Secretary, to the greatest extent possible based on the availability of funds, to provide assistance to nations whose vessels are involved in bycatch of PLMRs to assist them in addressing such activities (see MSRA Section 403(a), which adds a new Section 610(d) to the Moratorium Protection Act).

⁹ MSRA Section 403, amending Title VI of the High Seas Driftnet Fishing Moratorium Act, 16 U.S.C. 1826d et. seq.

In addition to these provisions, the MSRA contains implementing language for several international agreements and conventions, including the Western and Central Pacific Fisheries Convention and the Agreement between the Government of the United States and the Government of Canada on Pacific Hake/Whiting.

1. Provisions for Identification and Certification

The MSRA also adds Sections 609 and 610 to the Moratorium Protection Act, to require the Secretary of Commerce to identify nations whose vessels are engaged in IUU fishing or bycatch activities and to certify whether those nations have taken appropriate corrective action. Specifically, the Secretary of Commerce is required to:

- Identify nations whose vessels are engaged, or have been engaged during the preceding two years, in IUU fishing taking into account where the relevant international fishery management organization has failed to implement effective measures to end the IUU fishing activity, or where no international fishery management organization with a mandate to regulate the fishing activity in question exists (Section 609(a));
- Identify nations whose vessels are engaged, or have been engaged during the previous calendar year, in fishing activities or practices that either result in bycatch of PLMRs in waters beyond any national jurisdiction, or that result in bycatch of PLMRs shared by the United States beyond the U.S. Exclusive Economic Zone (EEZ), where the relevant international organization for the conservation and protection of such resources or the relevant international or regional fishery organization has failed to implement effective measures to end or reduce such bycatch, or where the nation is not party to or does not maintain cooperating status with such organization and the nation has not adopted a regulatory program governing such fishing practices designed to end or reduce such bycatch that is comparable to that of the United States, taking into account different conditions (Section 610(a));
- With regard to nations identified as having vessels engaged in IUU fishing activity, within 60 days of submission of the biennial report to Congress, notify the nations, initiate consultations for the purpose of encouraging them to take appropriate corrective action with respect to the offending activities of their fishing vessels, and notify any relevant international fishery management organization of the actions taken by the United States under this section of the Act;
- With regard to nations identified as having vessels engaged in fishing activities or practices that result in bycatch of PLMRs, notify those nations as soon as possible; initiate discussions as soon as possible with all foreign governments that are engaged in or have persons or companies engaged in such fishing activities or practices for the purpose of entering into bilateral and multilateral treaties with such countries to protect the species at issue; seek agreements calling for international restrictions on fishing activities or practices through the United Nations, the FAO Committee on Fisheries and appropriate international fishery

- management bodies; and initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section of the Act;
- With regard to nations identified as having vessels engaged in IUU fishing activity, certify to Congress whether such nation has provided documentary evidence that it has taken corrective action with respect to the offending activities, or whether the relevant international fishery management organization has implemented measures that are effective in ending the IUU fishing activity by vessels of that nation (Section 609(d));
 - With regard to nations identified as having vessels engaged in bycatch of PLMRs, certify to Congress whether the nation has provided documentary evidence of adoption of a regulatory program governing the conservation of the PLMR that is comparable to that of the United States, taking into account different conditions, and whether the nation has established a management plan that will assist in gathering species-specific data to support international stock assessments and conservation enforcement efforts for PLMRs (Section 610(c)); and
 - Establish procedures to implement the certification requirements of the Act.

The identification of nations having fishing vessels engaged in IUU fishing activities and/or bycatch or PLMRs is deemed to be an identification under Section 101(b)(1)(A) of the High Seas Driftnet Fisheries Enforcement Act. If a nation does not receive a positive certification, indicating that it has taken appropriate corrective action, this may lead to prohibitions on the importation of certain fish and fisheries products into the United States, the denial of port privileges and/or other measures, under specified circumstances.

2. Biennial Report to Congress

The MSRA also adds a new Section 607 to the Moratorium Protection Act, requiring the Secretary of Commerce to submit a biennial report to Congress. The biennial report is to include the following information:

“(1) the state of knowledge on the status of international living marine resources shared by the United States or subject to treaties or agreements to which the United States is a party, including a list of all such fish stocks classified as overfished, overexploited, depleted, endangered, or threatened with extinction by any international or other authority charged with management of conservation of living marine resources;

(2) a list of nations whose vessels have been identified under Section 609(a) or 610(a), including the specific offending activities and any subsequent actions taken pursuant to Section 609 or 610;

(3) a description of efforts taken by nations on those lists to take appropriate corrective action consistent with Sections 609 and 610, and an evaluation of the progress of those efforts, including steps taken by the United States to implement those sections and to improve international compliance;

(4) progress at the international level, consistent with Section 608, to strengthen the efforts of international fishery management organizations to end illegal, unreported, or unregulated fishing; and

(5) steps taken by the Secretary at the international level to adopt international measures comparable to those of the United States to reduce impacts of fishing and other practices on protected living marine resources, if no international agreement to achieve such goal exists, or if the relevant international fishery or conservation organization has failed to implement effective measures to end or reduce the adverse impacts of fishing practices on such species.”¹⁰

B. Action to Implement the International Provisions of the MSRA

The NMFS Office of International Affairs is actively working to implement the international provisions of the MSRA. Some of the steps being taken are described in detail below.

Status of International Living Marine Resources. To implement newly-enacted Section 607 of the Moratorium Protection Act, the NMFS Office of International Affairs developed parameters to use in the development of a list of international living marine resources. Based upon these parameters, a list of international living marine resources has been compiled, and is set forth in this report. This list will be reviewed and updated, as necessary, for future reports. In its implementation of Section 610 (e) of the Moratorium Protection Act, the NMFS Office of International Affairs has also developed criteria for and prepared the list of PLMRs; this list will be made available when the proposed rule is published.

IUU Definition. As required by Section 609(e) of the Moratorium Protection Act, a definition of IUU fishing was published in the Federal Register on April 12, 2007 (72 Fed. Reg. 18404).

Development of Identification and Certification Procedures. To implement the identification procedures provided for in new Sections 609(a) and 610(a) of the Moratorium Protection Act, the NMFS Office of International Affairs has developed proposed regulations that set forth processes and applicable criteria for identifying nations whose vessels have been engaged in IUU fishing or bycatch of PLMRs, although development of regulations with regard to identification is not required by the Act. This proposed rule, which is in the Executive Branch clearance process, will provide the public opportunity for review and comment on the proposed identification procedures. At the same time, pursuant to the Act, NMFS has made identification determinations based on the criteria set forth in the Act.

With regard to the nations that are identified as having vessels engaged in IUU fishing under Section 609(a) and bycatch of PLMRs under Section 610(a), the NMFS Office of

¹⁰ MSRA Section 403, amending Title VI of the High Seas Driftnet Fishing Moratorium Protection Act, 16 U.S.C. 1826d et. seq.

International Affairs is developing the procedures called for in Section 609(d) and Section 610(d) to certify to Congress whether appropriate corrective action is being taken by identified nations. The NMFS Office of International Affairs has developed a proposed rule to establish procedures for the certification of nations that have been identified in the biennial report. The proposed rule is currently in the Executive Branch clearance process.

To guide its rulemaking process, NMFS published an Advance Notice of Proposed Rulemaking (ANPR) on June 11, 2007 (72 Fed. Reg. 32052). In the ANPR, NMFS announced its decision to develop certification procedures under the Moratorium Protection Act and invited public comment on the development of these procedures. Three public meetings were held (in Silver Spring, MD; Long Beach, CA; and Seattle, WA) in July 2007 to solicit further public input into the development of certification procedures under the Moratorium Protection Act. All written comments received and a summary of comments received orally at the public meetings were reviewed by the NMFS Office of International Affairs and posted on the NMFS MSRA implementation website (<http://www.nmfs.noaa.gov/msa2007/>). The NMFS Office of International Affairs has completed review of its proposed actions under the National Environmental Policy Act (NEPA) and the Regulatory Flexibility Act (RFA), and has developed an Environmental Assessment and a Regulatory Impact Review (RIR). These documents are in the Executive Branch clearance process.

Strengthening International Fishery Management Organizations. As called for by Section 608, NMFS is expanding efforts already underway to strengthen international fishery management organizations in conserving and managing fish stocks under their jurisdiction to end IUU fishing activities. In accordance with Section 608, the United States is also continuing its efforts to urge other nations at bilateral, regional and international levels – including in the Convention on International Trade in Endangered Species (CITES) and the World Trade Organization (WTO) – to take all necessary steps, consistent with international law, to adopt measures and policies that will prevent the trade or import of fish or other living marine resources harvested by vessels engaged in IUU fishing into their nations or territories.

International Cooperation and Assistance. In accordance with Section 610, the United States is continuing to take steps through provision of assistance as well as cooperative scientific and other activities at the international level to promote the adoption of international measures comparable to those in effect in the United States to reduce the impacts of fishing and other practices on PLMRs. This is being done on a bilateral basis, as well as through international fisheries and related organizations and multilateral environmental agreements (MEAs). Assistance is also being provided to other nations to help address IUU fishing and mitigate bycatch of PLMRs through activities such as training workshops and transfer of improved gear technology.

Improved Monitoring and Compliance. Section 207 of the MSRA addresses activities to promote improved monitoring and compliance for high seas fisheries or fisheries

governed by international fishery management agreements. NMFS is continuing and expanding its efforts in this regard as well.

This biennial report contains information on past and current developments in all the above-mentioned areas.

IV. State of Knowledge on the Status of International Living Marine Resources

Section 607 of the Moratorium Protection Act requires an accounting of the state of knowledge on the status of international living marine resources shared by the United States or subject to treaties or agreements to which the United States is a party, including a list of all fish stocks that are classified as overfished, overexploited, depleted, endangered, or threatened with extinction by any international or other authority charged with their management or conservation. NMFS has compiled and reviewed information in order to develop a list of international living marine resources and their status, where known. The list includes international living marine resources over which an international treaty or agreement has explicit conservation or management authority, where the United States is a party to that organization; and international living marine resources for which an international fisheries management organization to which the United States is a party has in place conservation and management measures or other regulations designed to control fishing mortality, or where such organization has directed the collection of fisheries data, including bycatch, to inform assessments of status. It also includes other international living marine resources shared by the United States, including U.S. territories, on which a directed fishery exists or which are taken as bycatch that is significant either in absolute numbers or because of the sensitivity of the international living marine resources, such as seabirds, sea turtles, marine mammals or sharks, but which are not subject to an international treaty or agreement to which the United States is a party.

A list of international living marine resources and their status is set forth in Annex 4 to this report. This list will remain under review and will be updated, as necessary, for future reports. In addition, Annex 3 to this report highlights one international living marine resource on which considerable international work is ongoing – seabirds. Other international marine resources may be discussed in detail in future reports.

V. Progress to Strengthen International Fishery Management Organizations to end IUU Fishing Activities

The United States has numerous legal tools to assist it in dealing with IUU fishing both domestically and internationally. These include the Magnuson-Stevens Act, the Moratorium Protection Act, the Lacey Act, the High Seas Fishing Compliance Act, the Pelly Amendment to the Fishermen's Protective Act of 1967, the Marine Mammal

Protection Act, the International Dolphin Conservation and Protection Act, and the High Seas Driftnet Fisheries Enforcement Act. Short descriptions of relevant statutory authorities are set forth in Annex 2 to this report.

For a number of years, the United States has pushed for effective international action against IUU fishing. These efforts have been pursued in global bodies, such as the United Nations General Assembly (UNGA) and the Food and Agriculture Organization (FAO), as well as in RFMOs and bilaterally.

The United States is a member of 10 multilateral RFMOs, in addition to numerous global and bilateral agreements and arrangements. In recent years, the international community has increasingly recognized that successful action against IUU fishing activities and related problems will require the strengthening of existing regional fisheries institutions as well as creation of new RFMOs to manage previously unregulated ocean areas. The United States has been a major force in these efforts, as discussed below. On December, 31, 2007, the Assistant Administrator for Fisheries of NOAA and the Deputy Assistant Secretary for Oceans and Fisheries at the Department of State informed the heads of relevant U.S. fisheries delegations by memorandum of the specific calls for action in the MSRA, and requested them to take these calls for action into account as they fashion strategies for United States delegations to pursue in the various international fisheries bodies and organizations in which the United States is involved.

A. Establishment of New RFMOs

Due to the efforts of the United States and many others, the number of RFMOs is now expanding. Since 2003, six RFMOs or agreements have been established or are being negotiated: the Western and Central Pacific Fisheries Commission, the South East Atlantic Fisheries Organization, the South West Indian Ocean Fisheries Commission, the South Pacific Regional Fisheries Management Organization, an arrangement for the North Western Pacific Ocean, and the South Indian Ocean Fisheries Agreement. These will result in a growing body of international conservation and management measures for which effective and coordinated compliance tools will be essential.

The Western and Central Pacific Fisheries Convention was adopted in 2000 and entered into force in 2004. This agreement, which currently has 25 contracting parties, seven participating territories and two cooperating non-members, establishes the Western and Central Pacific Fisheries Commission (WCPFC) to manage tuna and other highly migratory species in the Western and Central Pacific Ocean. The United States was an active participant in the negotiation of this Convention and became a party in 2007.

The South East Atlantic Fisheries Convention entered into force in 2003. This Convention establishes the South East Atlantic Fisheries Organization (SEAFO), which regulates fisheries outside of EEZs in the Southeast Atlantic Ocean. Species covered include fish, mollusks, crustaceans, and other sedentary species, except species subject to coastal State jurisdiction and highly migratory species. The United States was involved

in negotiation of SEAFO in order to promote incorporation of the principles of the United Nations Fish Stocks Agreement (UNFSA) into the Convention. The United States has signed the Convention, but has not become a party because its vessels do not currently fish in the area. U.S. representatives attend SEAFO meetings as observers, as appropriate.

In addition, the South West Indian Ocean Fisheries Commission (SWIOFC) was established in 2004 for coastal States in the South West Indian Ocean. The United States, however, is not involved with that body because its vessels do not fish in the area.

Several other RFMOs and regional fisheries arrangements are now being developed. Negotiations for the South Pacific Regional Fisheries Management Organization (SPRFMO) were initiated in early 2006. Participants agreed to work to establish a legally binding instrument governing the long-term conservation and sustainable use of non-highly migratory fishery resources and, in so doing, safeguard the marine ecosystems in which those resources occur. The area of concern is the high seas areas of the South Pacific from the eastern part of the South Indian Ocean through the Pacific toward the EEZs of South American countries. The United States and more than 20 entities are participating in the negotiations. In May of 2007, the participants agreed on a set of interim measures to be applied prior to the entry into force of the convention, including steps to protect vulnerable marine ecosystems (VMEs) from impacts of bottom fisheries. The interim measures remain in place and the participants continue to negotiate the Convention text.

Another initiative is underway to establish a multilateral arrangement in the North Western Pacific Ocean. Participants are the Republic of Korea, Japan, the Russian Federation and the United States. These nations have also agreed on interim measures with regard to bottom fishing, including the compilation, analysis, and exchange of data on bottom fishing in the region, and steps to protect vulnerable marine ecosystems (VMEs) from impacts of bottom fisheries; and they are negotiating a binding conservation and management agreement which eventually will supplement the interim measures.

The South Indian Ocean Fisheries Agreement (SIOFA) was signed in July 2006 to establish a body with a mandate over fishery resources other than tuna in areas that fall outside areas of national jurisdiction in the South Indian Ocean. Six countries (the Comoros, France, Kenya, Mozambique, New Zealand and Seychelles) and the European Community signed the Agreement. The United States is not a party and was not involved in the negotiations because its vessels do not fish in the area.

Recent conventions, such as those establishing the WCPFC and SEAFO, are generally more forward-looking than many of the earlier conventions because they incorporate the principles of the 1995 UNFSA, such as the precautionary approach, ecosystem-based management, and measures needed to create effective systems of compliance (e.g., observers, VMS, and port State and flag State systems of control). The United States will

continue to support the establishment of conventions in this tradition, resulting in strong organizations.

B. Strengthening Existing RFMOs

In addition to working to establish new RFMOs, the United States has pushed for strengthened governance systems in existing RFMOs to bring them more in conformity with the provisions of the UNFSA, such as those noted above. Some RFMOs are being updated through renegotiation of their underlying agreements or negotiation of new protocols. Others are finding ways to improve management and compliance without renegotiation of their underlying agreements.

Numerous RFMOs report that their management and enforcement systems have been strengthened in recent years. These include the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), Inter-American Tropical Tuna Commission (IATTC), International Commission for the Conservation of Atlantic Tunas (ICCAT), North Atlantic Salmon Conservation Organization (NASCO), and North Pacific Anadromous Fisheries Commission (NPAFC).¹¹

Renegotiation or Amendment of Underlying Agreements. The United States played a key role in many of these efforts. For example, U.S. officials were heavily involved in negotiation of an agreement to strengthen the IATTC, a body originally established in 1949 to manage tuna fisheries in the Eastern Pacific Ocean (EPO). The new agreement – the Antigua Convention – was signed on November 14, 2003. In addition, with U.S. involvement, the Northwest Atlantic Fisheries Organization (NAFO) recently completed a two-year process of modernizing its 1979 convention, consistent with the UNFSA and other recent instruments. An agreement amending the convention was adopted at the 2007 NAFO annual meeting.

Performance Reviews. In order to strengthen their organizations, many RFMOs have undertaken performance reviews. In 2005, ICCAT adopted a proposal committing the Commission to review its conservation and management regime and to develop a work plan to strengthen the organization. Furthering that aim, in 2006 ICCAT established adopted a resolution establishing terms of reference for a Working Group on the Future of ICCAT to review the 1969 ICCAT convention, its decision-making processes, its current structure and operations, and other matters of relevance. In 2007 ICCAT decided that it should undergo a performance review by three independent experts. The review panel's report, submitted in September 2008, found that the issues faced by ICCAT are not unique and that, in general, ICCAT's management regime is sound. A pervasive problem, however, is lack of implementation of ICCAT's rules, including poor data

¹¹ Swan, J., "International Action and Responses by Regional Fisheries Bodies or Arrangements to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing," FAO Fisheries Circular No. 996, Rome, 2004, Section 3.2.1, figure 1, fn 122. Of the bodies polled, 11 indicated that their institutions had been strengthened: CCAMLR, CCSBT, CECAF, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC, NPAFC. The United States is party to six of these.

reporting, in particular with regard to Atlantic and Mediterranean bluefin tuna. Other issues included eliminating carry-forward of quota underharvests, enhancing capacity building for developing States, ensuring fair and equitable access to quota, improving transparency in decision-making, modernizing the ICCAT Convention, and enhancing inclusion of non-members in ICCAT's work. The recommendations were considered by ICCAT subcommittees at the November 2008 ICCAT meeting, with particular focus on compliance and bluefin tuna. The Commission agreed to refer the performance review in its entirety to the Future of ICCAT Working Group for consideration and, as appropriate incorporation into recommendations to strengthen the organization. This working group will meet in 2009, and the results of its deliberations will be considered at the 2009 ICCAT meeting.

On the occasion of its 20th anniversary, the North Atlantic Salmon Conservation Organization (NASCO) began work on its own performance review. In 2004, a Working Group on Next Steps for NASCO was established with the aim of developing recommendations to strengthen the organization. Through an intensive working group process that included public scoping meetings, the NASCO Convention as well as NASCO's rules of procedure, decision-making processes, structure, and operations were reviewed. This effort culminated in the adoption by NASCO in 2005 of a Strategic Approach which articulated a clear vision for the organization and an approach for achieving it. Further, by synthesizing the information from the Working Group, the Strategic Approach clearly identified the challenges facing NASCO in the management and conservation of wild Atlantic salmon, and made recommendations for meeting those challenges. The Strategic Approach contained some decisions that could be implemented immediately. Others, however, required additional consideration and development prior to implementation. Thus, a Task Force was created for this purpose. One result of NASCO's review has been the establishment of new processes and procedures for improved reporting to enhance compliance and accountability. These procedures require each party to produce an implementation plan covering its NASCO responsibilities. The implementation plans have been developed and, in 2008, NASCO members provided detailed reports on the first of three focus areas – Fisheries Management. These reports, in turn, were critically reviewed by a review group that included an outside party. In 2009, each NASCO member will present a detailed report on Habitat Protection, Restoration and Enhancement, which will be similarly critiqued. Finally, Aquaculture, Introductions and Transfers, and Transgenics reports will be submitted and reviewed in 2009-2010.

CCAMLR has also undertaken a performance review, which resulted in a detailed report on September 1, 2008. This report was reviewed at the CCAMLR meeting in October 2008. **While its subsidiary bodies did prioritize several items to be discussed at later meetings, the Commission did not engage in detailed discussion on the substance of the report. Further work with respect to improving the performance of CCAMLR will be addressed at future meetings of the Commission.**

Steps to Enhance Participation by Non-Members. To implement the provision of the UNFSA relating to the duty of non-members to cooperate in the conservation and

management of fish stocks, RFMOs are also working towards enhanced participation by non-members. The IATTC has put in place formal cooperating non-party status; Belize, Canada, China, the Cook Islands, European Union (EU), and Chinese Taipei (Taiwan) have all become cooperating non-parties or cooperating fishing entities. WCPFC also provides for cooperating non-members to participate in the work of the Commission. Indonesia signed the Convention in 2000 and has been participating as a cooperating non-member pending completion of its internal ratification process. In addition, at its 2007 annual session, the Commission accepted Belize's application to become a second cooperating non-member. ICCAT also has a membership category covering cooperating non-contracting parties, entities or fishing entities; at the current time, Guyana is a cooperating non-contracting party and Chinese Taipei is a cooperating non-contracting fishing entity. Generally, an ICCAT cooperating non-contracting party receives fishing privileges in areas for which these are allocated, but does not have to pay an assessed contribution. In CCAMLR, States that have acceded to the agreement, but that have not applied for membership in the Commission, are nonetheless obligated under the Convention to abide by all of the conservation and management measures adopted by the Commission. Such non-member States are excluded from participation in Convention Area exploratory fisheries.¹²

Other RFMOs, including NAFO, have put into place mechanisms to encourage non-members to join and participate in the conservation and management programs. For example, the NAFO Scheme to Promote Compliance by Non-Contracting Party Vessels with Recommendations contains a rebuttable presumption that non-Contracting party vessels sighted engaged in fishing activities (or transshipping) in the Convention Area are undermining the NAFO Conservation and Enforcement Measures.

Steps to Improve Cooperation and Coordination. Representatives of RFMOs are also working to improve cooperation and coordination among RFMOs themselves – particularly for RFMOs operating in the same region. The United States has actively pushed for such collaborations and hopes that creating open lines of communication between RFMOs will help them address issues of shared concern. For example, at a January 2007 meeting in Kobe, Japan, chaired by the United States, representatives of the five tuna RFMOs and representatives from as many as 54 countries and territories collaborated on common recommendations concerning IUU fishing and other issues. In addition, various RFMOs have established Memoranda of Understanding (MOUs) promoting collaboration in areas such as bycatch of sea turtles, seabirds, sharks and other marine mammals. These will be discussed later in this report.

To further coordination among U.S. representatives to various RFMOs, NMFS hosted a meeting of all U.S. Commissioners to RFMOs in 2007. This forum provided an ideal opportunity to share information and experiences about cross-cutting issues of interest. A

¹² Under the CCAMLR Convention, contracting parties that participated in the meeting at which the Convention was adopted are automatically members of the Commission. Parties that have acceded to the Convention subsequently are entitled to Commission membership as long as they are engaged in research or harvesting activities relating to the marine living resources to which the Convention applies, but such parties must apply for Commission membership and not all parties have done so.

subsequent meeting took place in January 2008. Discussion topics included shark conservation, destructive fishing practices, IUU fishing (including IUU lists and port State measures), trade measures and bycatch.

C. Global International Action to Address IUU Fishing

Global international organizations, particularly the FAO, have acted in recent years to help strengthen RFMOs to address IUU fishing. This section describes these initiatives, as well as the role of the United States in pushing for such measures, and the activities the United States intends to continue in the future under the MSRA.

1. FAO

Although the actual term “illegal, unreported and unregulated (IUU)” fishing was not coined until 1997 at CCAMLR, international action to combat such fishing had begun gaining momentum even before that time, as fisheries experts became increasingly aware of the rapid extent to which such fishing was undermining attainment of national, regional and global fisheries management goals. Based on the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the 1993 FAO Compliance Agreement, the 1995 UNFSA and the 1995 FAO Code of Conduct for Responsible Fisheries, the United States and others began pushing in the mid-1990’s for FAO Committee on Fisheries (COFI) action specifically on IUU fishing. After several years of substantial effort by the United States and many others, the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) was adopted in 2001.¹³

The IPOA-IUU is a voluntary instrument that is to be implemented by FAO members through national plans of action (NPOAs). The United States finalized its National Plan of Action to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported Fishing in 2004. Under the IPOA-IUU, each State is required to self-assess its laws, policies and practices. The IPOA-IUU also provides specific sets of tools for flag States, coastal States, port States, market States, and RFMOs to deal with IUU fishing. These tools include the following:

- Flag States – use of various monitoring, control and surveillance (MCS) mechanisms, registration requirements, authorization to fish requirements, reporting and record requirements, penalties, and other control measures;

¹³ Several other IPOAs were adopted at about the same time. These included the IPOA for Management of Fishing Capacity; the IPOA on Conservation and Management of Sharks (IPOA-Sharks); and the IPOA on Reduction of Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds). These IPOAs were developed as the COFI members in 1997 found it necessary to have some international instruments to manage compliance with the Code of Conduct for Responsible Fisheries. The most suitable instruments for each of the three texts were developed in the course of two intergovernmental meetings, open to all FAO members, in 1998. The IPOAs were adopted by the twenty-third Session of the FAO Committee on Fisheries in February 2000 and endorsed by the FAO Council in 2001. An FAO Strategy on Improving Information on the Status and Trends of Capture Fisheries was also developed in 2003.

- Coastal States – use of formal access agreements, prohibiting access for IUU vessels, records of vessels, and various MCS mechanisms such as VMS and observers;
- Port States – denial of access to IUU vessels, use of prohibitions on landing and transshipping, requirements for advance notice, copy of authorization to fish and other information prior to landing;
- Market States – necessary steps, consistent with the WTO, to prevent IUU-caught fish from being traded or imported into their territories; and
- RFMOs – collection and dissemination of information on IUU fishing, identification of IUU vessels and countries, adoption of port inspection schemes, restrictions on transshipment at sea, catch certification and/or trade documentation systems, and market-related measures.

The IPOA-IUU provides that States should cooperate and comply with RFMO measures even if they choose not to become parties. This provision implements the requirement in article 8(3) of the UNFSA that nations whose vessels fish in areas governed by an RFMO must either join the RFMO or agree to apply its rules. The IPOA includes a long list of items deemed necessary “to strengthen and develop innovative ways” to deal effectively with IUU fishing activities. These range from developing compliance measures and comprehensive arrangements for mandatory reporting, to developing definitions for when a vessel will be presumed to have engaged in or supported IUU fishing activities. The IPOA contemplates that RFMOs would become clearing houses for national and international efforts to combat IUU fishing activities, sharing collected information with all other RFMOs and the FAO.

The IPOA-IUU also sets forth a toolbox of market measures designed to restrict international trade in fish harvested through IUU fishing, including catch certification and trade documentation requirements, and import and export restrictions and prohibitions. RFMOs play a primary role in coordinating the creation and use of market-related measures. Finally, recognizing the special needs of developing countries, the IPOA-IUU calls on countries, with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, to provide training and capacity building and to consider providing financial, technical and other assistance to developing countries so that they can meet their commitments under the IPOA-IUU.

With active involvement of the United States, the FAO has aggressively promoted activity to address IUU fishing activities, through conducting studies, disseminating information, offering capacity building and institutional strengthening, and providing a global forum for States to formulate appropriate instruments. In 2002, FAO COFI published a set of technical guidelines, “Technical Guidelines for Responsible Fisheries, No. 9, Implementation of IPOA-IUU.” Between 2002 and 2006, the FAO held 14 workshops on the issue, attended by up to 300 representatives of over 100 countries; conducted a pilot workshop for the Pacific Islands in cooperation with the Forum Fisheries Agency (FFA) and WCPFC; and developed a Model Plan for a Pacific Island Country National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing. In view of the linkage between fishing fleet overcapacity and IUU

fishing, the FAO also held a Technical Consultation in 2004 to look at the progress on full implementation of the IPOA on Fishing Capacity, as well as the IPOA-IUU. NMFS has provided both technical and policy expertise in support of these international efforts.

In the 2007-2008 time-frames, the FAO has focused heavily on dealing with IUU fishing through strengthened port State controls. Developments have included a three-day international symposium on IUU fishing in June 2007 organized by the Intergovernmental Oceanographic Commission (IOC) in partnership with the FAO, the IOTC and the SWIOFC; a follow-up workshop in Mauritius on strengthening Port State controls; a December 2007 FAO/General Fisheries Commission for the Mediterranean (GFCM) workshop on Port State measures to Combat IUU Fishing; and a January Regional Workshop on Port State Measures to Combat IUU Fishing in South Africa. As discussed in greater detail below, the FAO has also held a number of Technical Consultations to Review a Draft Legally-binding Instrument on Port State Measures to Prevent, Deter and Eliminate IUU Fishing, including meetings in June 2008, November 2008 and a further planned meeting in January 2009.

In addition, the FAO is working with a number of other international organizations, such as the International Maritime Organization (IMO), the International Labor Organization (ILO), the Commission on Sustainable Development (CSD), the Organization for Economic Cooperation and Development (OECD), Asia-Pacific Economic Cooperation (APEC), and others to encourage those organizations to address IUU fishing activities in their unique areas of coverage or expertise. The FAO has also provided critical opportunities for the sharing of information and experience among RFMOs and their members, to ensure that the various fisheries management bodies learn from one another.

In 2003, the High Seas Task Force on IUU Fishing was established under the auspices of the OECD.¹⁴ This Ministerial-level task force developed an action plan to combat IUU fishing activities on the high seas, which was published in a 2006 report entitled, "Closing the Net." The plan recommended tools such as an enhanced international MCS network; establishment of a global fisheries vessel information system; development of model RFMO standards; use of market-based measures, including greater use of port-based and import measures; attempts to fill critical gaps in scientific knowledge and assessment; and development of methods to address the needs of developing countries.¹⁵ As host of the international MCS Network the United States contributed to the development of the recommendation for an enhanced network.

¹⁴ The High Seas Task Force, which has now been disbanded, involved the Fisheries Ministers of six nations (Australia, Canada, Chile, Namibia, New Zealand and the United Kingdom), plus several global conservation organizations (Earth Institute, World Conservation Union (IUCN) and WWF International and the Marine Stewardship Council).

¹⁵ Stemming from the High Seas Task Force, Australia, Canada, New Zealand and the United Kingdom, along with World Wildlife Fund (WWF) International and the World Conservation Union (IUCN), collaborated on a project to develop a model RFMO, based on an analysis of best practices worldwide. Chatham House was selected as the host institution for the project. This project resulted in a report entitled, "Recommended Best Practices for Regional Fisheries Management Organizations," August, 2007. A major impetus for this work was to seek better ways to address IUU fishing.

Based on a recent survey of RFMO actions, the FAO published a March 2007 report entitled “Combating Illegal, Unreported and Unregulated Fishing through Monitoring, Control and Surveillance, Port State Measures and Other Means.” This document contains a thorough discussion of what RFMOs have done (or have not done) to date in addressing IUU fishing, and what needs to be done for the future.

2. Other International Bodies

IUU fishing activities have also been addressed by a number of other international bodies, including the UNGA in its annual Sustainable Fisheries Resolutions, the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS),¹⁶ the World Summit on Sustainable Development (WSSD)¹⁷, the 2006 Review Conference for the UNFSA, the IMO, the OECD, APEC and others.¹⁸ With U.S. leadership, addressing IUU fishing activities is a high priority for the APEC Fisheries Working Group. The United States and Canada recently co-sponsored an APEC Fisheries Working Group project on the effects of IUU fishing, which will lead to a number of case studies of specific fisheries.¹⁹

D. RFMO Actions to Address IUU Fishing

The IPOA-IUU calls on States, acting through RFMOs and in conformity with international law, to take specific actions to address IUU fishing activities, including actions such as strengthening RFMOs, improving enforcement, and putting into place market-related measures. The MSRA provides specific authorities and responsibilities with regard to NMFS’ involvement in such activities. This section discusses some of the

¹⁶ UNICPOLOS has addressed IUU fishing each year since 2000. In 2003, a number of delegations proposed to accelerate the implementation of controls on IUU fishing through a more systematic approach to compliance and enforcement measures adopted at the regional level, and to strengthen regional fisheries bodies for that purpose. See Swan, *supra* n. 11 at Section 1.3.2. The issue has also been addressed in the UNGA Resolutions on Fisheries and on Oceans and the Law of the Sea each year since 2000.

¹⁷ 2002 Johannesburg Political Declaration on Sustainable Development and Plan of Implementation of the World Summit on Sustainable Development (WSSD-POI).

¹⁸ See Swan, *supra* n. 11 Sections 1.3 and 1.4.

¹⁹ On October 17, 2007, the European Commission released a proposed Council regulation aimed at strengthening market-based measures to address IUU fishing. Major features of the proposed Regulation include restricting access to the European Union (EU) market only to fishery products that have been certified as legal by the flag state or the exporting State and establishing a new EU list of IUU vessels and States. Fisheries relations, including trade in fishery products, between EU Member States and States identified on the IUU list would be effectively banned. Other measures in the proposed regulation include deterrent sanctions against IUU activities in EU waters and against EU operators engaged in IUU fishing anywhere in the world. In addition, access to EU port facilities for third country vessels would be limited to a list of designated ports drawn up by each member State. Transshipments between third-country vessels and EU vessels would be banned at sea and could be carried out only in designated ports.

specific measures taken in recent years to address IUU fishing activities by RFMOs and related fisheries organizations, with U.S. engagement.²⁰

1. Multilateral Market-related Measures

Trade and market measures reduce opportunities for IUU fishing activities by precluding or impeding access to markets for IUU product in a manner consistent with international law; tracing movements of fish products to identify those involved in catching, transshipping, and marketing of IUU catch; monitoring changes in the pattern of trade to identify flag, port and market States that can contribute to effective implementation of conservation and management measures; and improving information on fishing mortality.²¹ Successful market measures are often based on information gathered from trade tracking programs or catch documentation schemes – systems that can verify the origin, weight and species composition of catch and indicate whether the catch was taken in accordance with the conservation and management regime in force. Based on such trade tracking schemes, in turn, some RFMOs have put in place restrictions on landings and/or trade by offending vessels or offending States. Some RFMOs have also put in place presumptions for use in determining whether catch was taken in accordance with the conservation and management regimes in force.²²

Trade Tracking and Catch Documentation Schemes. Of the RFMOs to which the United States is party, ICCAT, CCAMLR, IATTC, and AIDCP have put in place trade tracking programs or catch documentation schemes, and WCPFC is considering such a program. Descriptions of these programs are provided below.

ICCAT took early steps with its 1992 development of the Bluefin Tuna Statistical document program, which required exporters of frozen product to include documents identifying the location and flag of the vessel catching the fish. This system was expanded to other product types (e.g., fresh product) in 1993. Similar programs were implemented for fresh and frozen swordfish and frozen bigeye tuna in 2001. Starting in 2004, ICCAT began a review process concerning its trade tracking programs. In 2007, ICCAT adopted a recommendation establishing a catch documentation scheme for bluefin tuna, which should improve the tracking of catch from vessel to market, including for fish that first go to farms for fattening. This action was deemed necessary in view of a continuing lack of compliance with conservation and management measures for the overexploited eastern Atlantic and Mediterranean stock, including poor data reporting and lax fishery controls, some of which has been exacerbated by farming activities. In addition, the United States successfully advanced a proposal in ICCAT in 2006 for an electronic statistical document pilot program that will assist in trade tracking through provision of more timely and, in some cases, enhanced information on the flag State and

²⁰ In the five years beginning in 2000, 29 resolutions passed by regional fisheries bodies dealt directly with IUU fishing. Swan, *supra* n. 11, Section 2.1. More have been passed since that time. These measures have been of varying specificity and effectiveness.

²¹ Chatham House Report, “Recommended Best Practices for Regional Fisheries Management Organizations,” 2007, p. 58.

²² Of the RFMOs to which the United States is party, these include CCAMLR, IATTC, ICCAT, NAFO and WCPFC.

name of vessel, location of harvest, point of export, description of fish in shipment, and other necessary elements.

CCAMLR has responded to the management challenge posed by IUU fishing through improved data-recording procedures, promotion of closer cooperation between CCAMLR parties and non-parties, requirements for flag States to authorize their vessels to fish in the Convention Area and a process to monitor the international toothfish trade. With strong U.S. involvement, CCAMLR developed a catch documentation scheme that became binding on all members in 2000. The scheme is designed to track landings and trade flows of toothfish (*Dissostichus* spp.) caught in the Convention Area and, where possible, adjacent waters. It is designed to enable the Commission to identify the origin of toothfish entering the markets of all parties to the scheme, and to help determine whether toothfish taken in the Convention Area are caught in a manner consistent with CCAMLR's conservation measures. The CCAMLR catch documentation scheme has been tightened and updated on a number of occasions since 2000. Non-contracting parties are also urged to implement the catch documentation scheme.

IATTC adopted a Statistical Documentation program for bigeye tuna in 2003 (Resolution C-03-01), modeled on ICCAT's program. The IATTC program requires that bigeye tuna (fresh and frozen product) imported into the territory of a contracting party must be accompanied by an IATTC bigeye tuna statistical document meeting specified requirements, or a bigeye tuna re-export certificate. It applies to all bigeye tuna, except for tuna caught by purse seiners and baitboats and destined principally for canneries.

AIDCP. With strong U.S. involvement, the parties to the Agreement on the International Dolphin Conservation Program (AIDCP) have established a far-reaching Tuna Tracking System. The objective of that system is to ensure that tuna caught in accordance with the dolphin-safe requirements of the agreement is distinguished from, and kept physically separate from, other tuna from the time such tuna is caught to the time it is ready for retail sale. The system uses a Tuna Tracking Form issued by the Secretariat, and additional verification procedures. The program is monitored through 100 percent observer coverage, as well as periodic audits and spot checks.

WCPFC. With strong U.S. involvement, the recently-negotiated Western and Central Pacific Fisheries Convention allows for the establishment of a catch documentation program. The parties are now considering several possible programs.

Trade Restrictive Measures. Based in part on data and information obtained from their respective trade tracking programs or catch documentation schemes, ICCAT, IATTC, and CCAMLR have put in place trade restrictive measures that can be taken against individual states or vessels.

ICCAT was the first RFMO to adopt trade related instruments, and is the only RFMO to date to have employed them against offending States. The Bluefin Tuna Action Plan (1994), the Swordfish Action Plan (1995) and the Unreported and Unregulated Catches (UU Catches) Resolution (1998) established mechanisms by which non-discriminatory

trade restrictive measures could be imposed against parties deemed to be diminishing the effectiveness of ICCAT conservation measures. In 2003, ICCAT consolidated its three trade instruments into a single instrument, the ICCAT Resolution on Trade Measures. This resolution expanded the scope of the previous measures. In particular, it covered all fisheries and all fishing States (whether or not members of ICCAT). The 2003 resolution also improved the transparency of the decision making process under the instrument, including enhancing due process provisions and establishing comparable standards for evaluation. The ICCAT instrument provides for prohibition of imports, landings and/or transshipments. In 2006, the measure was further strengthened, in particular by making it a binding recommendation. The 2006 ICCAT Recommendation concerning Trade Measures (06-13) notes that trade restrictive measures should be adopted and implemented in accordance with international law, including the principles, rights and obligations established in WTO agreements, and should also be implemented in a fair, transparent and non-discriminatory manner. To date, the vast majority of non-discriminatory trade-restrictive measures adopted pursuant to ICCAT's various trade instruments have been taken against non-members of ICCAT, although one ICCAT member (Equatorial Guinea) was sanctioned under the 1998 IUU Catches Resolution, which, as noted, has since been replaced by ICCAT's Recommendation on Trade Measures.

CCAMLR requires parties to deny port access to vessels on its IUU list unless for the purpose of enforcement action or for reasons of *force majeure* or for rendering assistance, and urges parties to prohibit the import, export and re-export of toothfish from vessels on its list of IUU vessels. Importers, transporters and other concerned sectors are also encouraged to refrain from dealing with and from transshipping fish caught by vessels on the CCAMLR IUU vessel list. CCAMLR also urges contracting parties and cooperating non-contracting parties to prohibit landings and transshipments of fish and fish products from flag of convenience vessels (Resolution 19/XXI).

IATTC adopted a resolution on trade measures (Resolution C-06-05) in 2006. The Resolution provided for trade restrictive measures for contracting parties that had failed to fulfill their obligations to ensure compliance by vessels flying their flags, and also for non-contracting parties that had failed to discharge their obligations under international law to cooperate with the IATTC by exercising control over their vessels to prevent activity undermining the effectiveness of IATTC conservation and management measures. The resolution, however, contained a provision for termination of its application in June 2008. The parties anticipated that they would review the 2006 resolution at the 2008 annual meetings and consider whether modifications of the resolution's provisions were desired, with the goal of adopting a more permanent trade measures scheme. However, extensive discussion on the trade measures resolution was postponed at the June 2008 meetings of the IATTC so that the Commission could focus on the adoption of tuna conservation measures for 2008 and beyond. The United States expects IATTC to return to these important discussions in the coming year.

Broader and more effective application of trade-related measures will require, among other things:

- Development and use of market-related measures by more RFMOs;
- Better integration within and between RFMOs and port States;
- Use of methods to promote continuous monitoring of patterns of trade wherever they occur; and
- More uniform or universal definition of fish and fish products through designations (e.g., tariff codes) recognized by all.²³

With active U.S. involvement, progress is being made in these areas. For example, the FAO Subcommittee on Fish Trade is working on harmonizing trade tracking programs toward a global harmonized system that could exchange information securely and efficiently. At a United States-hosted Joint Tuna RFMO Working Group on Trade and Catch Documentation schemes in July 2007 in Raleigh, North Carolina, the United States, Canada, and the European Commission developed and proposed objectives and best practices for trade tracking programs. Other proposals discussed included a harmonized statistical document for bigeye tuna covering all oceans, and a method to track purse seine catches from vessel to market. The United States also helped develop a new electronic statistical document pilot program now being tested in ICCAT.

2. Adoption and Sharing of Vessel Lists

Vessel lists assist enforcement authorities in determining which vessels are or are not authorized to be fishing or conducting fishing support activities in specified areas. Vessel lists are maintained by most RFMOs. The challenge, however, is to keep such lists up to date, and to address the practice of re-flagging and utilization of flags of convenience.

The following RFMOs to which the United States is party maintain records of authorized fishing vessels (i.e., a “positive” list): CCAMLR, IATTC, ICCAT, IPHC (International Pacific Halibut Commission), NAFO, and WCPFC.²⁴ The following RFMOs also indicate that their records of authorized fishing vessels are made available to other RFMOs: CCAMLR, IATTC, ICCAT, IPHC, NAFO, and WCPFC. The Pacific Islands Forum Fisheries Agency (FFA), although not an RFMO,²⁵ also maintains a Regional Register of Foreign Fishing Vessels and cooperates in the exchange of information on authorized fishing vessels. Exchange of vessel lists between and among RFMOs and related organizations assists with enforcement and can help avoid the problems of reflagging.

A number of RFMOs to which the United States is party also maintain records of IUU vessels (i.e., a “negative” list):²⁶ CCAMLR, IATTC, ICCAT, NAFO, NASCO, NPAFC

²³ See Chatham House Report, *supra* n. 21 at pp. 59-60.

²⁴ Swan, *supra* n. 11, Section 3.2.1, fn 125; WCPFC added based on more recent developments..

²⁵ The FFA is an organization set up to provide expert fisheries management and development advice and services to 16 member countries and one territory member from the western and central Pacific region. The FFA was formed 26 years ago under an international convention and is based in Honiara, Solomon Islands. www.ffa.int.

²⁶ Swan, *supra* n. 11, Section 3.2.1., fn 126; WCPFC added based on more recent developments.

and WCPFC. CCAMLR, IATTC, ICCAT, NAFO, NASCO, NPAFC and WCPFC further report that they engage in information exchange on IUU and support vessels. Most of the RFMOs have included trade restrictive measures that member States are to take regarding vessels on the “negative” list. More detailed information on vessel lists and how they are used by various RFMOs is outlined below. The United States has pushed strongly for these types of innovations in RFMOs and related organizations.

ICCAT. With substantial U.S. involvement, ICCAT adopted proposals to create both positive and negative vessel lists in 2002. Each party submits its list of vessels authorized to fish in the ICCAT Convention Area by a date certain each year. The Secretariat compiles the list of all vessels and posts it on the ICCAT website. ICCAT’s positive list currently includes only large-scale vessels (i.e., vessels over 24 meters in length overall). A negative (IUU) vessel list is also established based on information submitted by the parties. This information is compiled and, after a formal process, the final IUU list is adopted by the Commission. The parties are then to take all necessary measures not to support the fishing activities of vessels on the negative list, including through the prohibition of imports, landings or transshipments. Under the 2002 measure, vessels are not to assist or engage with vessels on the negative list. Vessels on the negative list are not authorized to land, transship, refuel, resupply or engage in other commercial transactions. Port access was originally allowed with inspection, but under a 2006 revision to the 2002 IUU list measure, port access is now prohibited. Chartering with vessels on the list is also prohibited, and importers, transporters and other sectors are encouraged to refrain from doing business with IUU vessels. In addition, States parties are to refuse to grant their flags to such vessels, except where the vessel owner has changed. Through exchange of information among parties and cooperating non-parties, an attempt is made to find, control and prevent false import/export certificates. Other refinements made to the IUU list in the 2006 revisions included a process for removing vessels intersessionally. The ICCAT IUU list is reviewed and adopted annually and is available on the ICCAT website (www.ICCAT.int). The list is also transmitted to the other tuna RFMOs. In addition to its other vessel lists, ICCAT has also established a record of authorized carrier vessels. This list does not have a size limitation and is intended to cover those vessels that fish actively for ICCAT stocks. Certain ICCAT fisheries also have additional vessel list requirements, most notably the eastern Atlantic and Mediterranean bluefin tuna fishery. In 2007, ICCAT established a process for incorporating the IUU vessel lists of other tuna RFMOs into its IUU vessel list.

NAFO maintains a “negative” list of vessels that have conducted IUU fishing in the NAFO Regulatory Area. IUU vessel sightings are shared with other RFMOs operating in the area, such as the Northeast Atlantic Fisheries Commission (NEAFC). NAFO and NEAFC have mutually agreed to recognize each other’s negative lists, leading to possible restrictions on port access for IUU listed vessels in all contracting parties in both organizations. The United States chaired the NAFO Standing Committee that developed the measures dealing with non-contracting party fishing in the NAFO Regulatory Area, and also played a leadership role in expansion of these measures to address IUU fishing activities and in development of the NAFO IUU list to ensure coordination with the adjacent NEAFC Commission. These measures are found in Chapter VI (Scheme to

Promote Compliance by Non-Contracting Party Vessels with Recommendations Established by NAFO, Articles 46-54) of the NAFO Conservation and Enforcement Measures.

IATTC has a “positive” Regional Vessel Register of contracting party vessels that are presumed to be following the rules (Resolution C-00-06). IATTC also has a similar positive list of longline vessels (Resolution C-03-07). In 2005, the IATTC passed a resolution to establish a “negative” list of vessels that have carried out IUU fishing (Resolution C-05-07). Sanctions include prohibitions on transshipment at sea, landings or transshipment in ports; prohibition on chartering; refusal to grant flags to the vessels unless they have undergone a change of owner; prohibition of commercial transactions; and encouraging traders, importers, transporters and others to refrain from transactions and transshipment of IUU-caught fish. IATTC has established a registry of vessels authorized to receive transshipment at sea, and an IATTC observer program for transshipment vessels will be in place by January 1, 2009. At that time, transshipment at sea will be limited to receiving vessels that are on the registry and carrying an observer. The United States has played, and continues to play, a pivotal role in the IATTC’s actions to combat IUU fishing.

CCAMLR has approved a combined “negative” list that includes contracting and non-contracting vessels that have carried out IUU fishing activities. Contracting parties are required to deny port access to vessels on the list with exceptions for enforcement action, *force majeure*, and rendering assistance, and are urged to prohibit trade with them. Contracting parties are also required to take all necessary measures, subject to and in accordance with their applicable laws and regulations and international law in order that: issuance of licenses to vessels on the IUU list (in the case of a vessel on the contracting party IUU vessel list) to fish in waters in the Convention Area or in their fisheries jurisdictions is prohibited; and fishing vessels, support vessels, refueling vessels, mother-ships and cargo vessels flying their flags do not in any way assist vessels on the IUU list by participating in any transshipment or joint fishing operations, or by supporting or resupplying such vessels. When port access is granted to vessels on the IUU list, contracting parties are required to examine documentation and other information to verify where catch has been taken and, where the origin of the catch cannot be adequately verified, to detain the catch or refuse landing or transshipment. Contracting parties are also required, where possible, to prohibit the chartering of vessels on the IUU list; refuse their flag to vessels on the list; and prohibit the import, export and re-export of toothfish from vessels on the list. Importers, transporters and other sectors concerned are encouraged to refrain from dealing with and from transshipping fish caught by vessels on the CCAMLR IUU vessel list. Vessels on the list are also not permitted to participate in exploratory fisheries.

WCPFC has adopted a measure to establish a “negative” list of vessels that have carried out IUU fishing, similar to the lists adopted by other tuna RFMOs. Listed vessels are to be sanctioned by Commission members through prohibitions on imports and landings, and prohibitions on transshipment, chartering and resupply.

SEAFO. In 2006, SEAFO established a record of fishing vessels to control and monitor fishing (Conservation Measure 07/06). Fishing vessels not entered into the record are deemed not to be authorized to fish for, retain on board, transship or land species covered by the Convention.

NPAFC established an innovative electronic Integrated Information System (IIS) for its vessel list in 2003-04. The IIS allows parties to house all electronic information about illegal or suspected vessels in the Convention Area on a closed website. The ultimate goal of the IIS is to facilitate near real-time entries of information. In 2006, enforcement professionals from all parties held a symposium to share lessons learned and best practices. In 2007, standard codes for fish species, vessels and gear types, based on the codes employed internationally by the FAO, were agreed for use in the IIS system. Parties plan to add mapping capability to the IIS in the near future so that the precise locations of vessel sightings can be displayed and utilized for enforcement planning purposes.

Consolidation of Vessel Lists. As fisheries authorities look to the future, one of the areas of need is consolidation or sharing of lists among RFMOs, where appropriate, and consideration of a global listing system for high seas vessels. Since the five tuna organizations began meeting in 1999, they have been working toward the establishment of such a global registry for tuna vessels. The 2007 Kobe meeting of the five tuna RFMOs recommended, among other things: creation of a harmonized “positive” list of tuna fishing vessels with permanent unique identifiers for each vessel; and creation of a global “negative” list of IUU vessels.

In the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing, which came out of FAO, fisheries ministers called for development of a “comprehensive record of fishing vessels within the FAO.” The ministers called for such a record to include refrigerated transport vessels and supply vessels – vessels often involved in transshipments from IUU vessels – as well as fishing vessels. They also noted that the global record should include available information on beneficial ownership, subject to confidentiality requirements in accordance with national law. In 2006, the Asia Pacific Economic Cooperation organization (APEC) looked at the possibility of a global listing system for high seas vessels. The UNGA Fisheries Resolution in 2006 further encouraged and supported the development of a comprehensive global record through the FAO.²⁷

A feasibility study prepared by the FAO in 2007 concluded that development of a global record is technically feasible, although it would be expensive to prepare and maintain. It would require detailed information regarding vessels and their ownership in a complete and accurate manner from flag States and entities. A unique vessel identifier system would also be needed so that any vessel could be identified permanently, irrespective of change of vessel name, ownership or flag. A phased approach was recommended. VMS experts expressed the view that such a global record could directly benefit national MCS

²⁷ FAO “Combating Illegal, Unreported and Unregulated Fishing through Monitoring, Control and Surveillance, Port State Measures and other Means,” *supra*. n.3, at p. 11.

authorities and those responsible for registering fishing vessels and authorizing fishing. A global record could also dissuade the practice of serial re-flagging and utilizing flags of convenience.²⁸ In 2007, FAO COFI supported the convening of an Expert Consultation to further develop the concept of a comprehensive global record of vessels, as described in the feasibility study. In turn, the 2007 UNGA Sustainable Fisheries Resolution welcomed the decision by COFI to create this global vessel list. To support this action, the UNGA requested the FAO to consider establishing a system of unique and permanent fishing and support vessel identification.

The United States is actively involved in these efforts and intends to continue to work to strengthen the individual RFMO vessel lists, as well as working toward a meaningful global list, as appropriate.

3. Observers and Use of Technologies to Monitor Compliance

Use of observers on fishing vessels and vessel monitoring systems are important tools in eliminating IUU fishing. Vessel monitoring systems, which are generally satellite-based, allow fisheries management authorities to monitor the positions and activities of fishing vessels for purposes of management and enforcement. The following RFMOs to which the United States is party have VMS requirements in place:

- ICCAT requires VMS on vessels greater than 24 meters as of 1 November 2005, and on vessels greater than 15 meters fishing for eastern Atlantic and Mediterranean bluefin tuna from 1 January 2010. A 2006 recommendation required centralized VMS data reporting to the ICCAT Secretariat for vessels fishing for eastern Atlantic and Mediterranean bluefin tuna; a centralized VMS operational plan that will facilitate at-sea inspections for vessels fishing eastern bluefin tuna was adopted in 2007.
- IATTC requires parties to implement VMS for vessels over 24 meters as of 2005. The program is intended to cover 10 percent of vessels of parties with fleets of 10 or more vessels.
- WCPFC Convention Article 24 requires fishing vessels to use VMS when fishing in the high seas portions of the Convention Area. Implementation details are contained in conservation and management measure CMM 2006-06, which calls for the measure to take effect on January 1, 2008, for certain parts of the Convention Area for vessels larger than 24 meters in length. The measure will apply to smaller vessels as of January 1, 2009. WCPFC has adopted minimum standards for automatic location communicators to be used in its VMS. A VMS program for the “northern quadrant” of the Convention Area is currently under development.
- NAFO requires use of VMS on 100 percent of contracting party vessels in the NAFO regulatory area.
- CCAMLR’s automated satellite-linked vessel monitoring system was revised in 2005 to provide for continuous position reporting within the Convention Area; all

²⁸ Id.

VMS reports and messages transmitted by the contracting party or its fishing vessels must be transmitted to the CCAMLR Secretariat and must be in a computer-readable form in a CCAMLR–agreed data exchange format.

- SEAFO agreed on a VMS system in 2005, which came into effect in March of 2007.

In addition, the South Pacific Tuna Treaty (SPTT) between the United States and the FFA States establishes a VMS program, administered by the FFA Secretariat.

Numerous RFMOs also require observers on all or a portion of vessels fishing in their conservation areas. Observer requirements, which are sometimes combined with VMS and other monitoring requirements, include the following:

- CCAMLR requires full observer coverage on all fishing vessels, with the exception of vessels fishing for krill in all but one of the Convention's subdivisions. Beginning in the 2007/2008 fishing season, vessels participating in the krill fishery in subdivision 58.4.2 must carry a scientific observer but have the option of carrying a CCAMLR international inspector or a national inspector; CCAMLR also requires that the master of a licensed fishing vessel sighting a fishing vessel in the Convention Area document and report the sighting as soon as possible to the CCAMLR Secretariat, via the flag State. These reports are used in assessing the level of IUU fishing.
- NAFO established a compliance-based observer program in 1998. All vessels are required to carry at least one observer, whose main function is compliance, but who may also perform as much scientific work as requested. Observers are to report infringements within 24 hours to an inspection vessel. Recently NAFO ran a pilot program involving electronic data submission from the fishing grounds, combined with withdrawal of observers from some vessels. Parties now have the option to implement the current observer program or to change to 25 percent observer coverage with more detailed electronic reporting.
- ICCAT has adopted an observer program for transshipment vessels. The observers are to record, observe, verify, and report transshipment activity particularly as it relates to the bigeye tuna fishery. ICCAT has also adopted management measures which set minimum observer coverage levels for national observer programs in several fisheries.
- IATTC requires 100 percent observer coverage on large-scale purse seine vessels; 50 percent of the observers must be employed by the RFMO and the remainder by the parties; IATTC has also established an observer program for transshipment vessels; under this program, by January 1, 2009, transshipment at sea will be limited to vessels that are on the transshipment registry and carrying an observer.
- WCPFC adopted a conservation and management measure in 2006 establishing procedures for development of a WCPFC Regional Observer Program to be adopted at the 2007 annual session. In 2007, the Commission adopted a Regional Observer Program covering vessels fishing exclusively on the high seas areas of the Convention Area and vessels fishing on the high seas and in areas of national jurisdiction of one or more coastal States. The 2007 measure provides an

- implementation schedule. Technical details are currently under development in an intersessional working group, led by the United States.
- SEAFO requires scientific observers on all vessels fishing in the SEAFO area; these observers record catches and report to the SEAFO Office.
 - The South Pacific RFMO, now in negotiation, has put into place interim measures to address deepwater and small pelagic fishing, which have suggested observer coverage levels.
 - The Central Bering Sea Pollock Convention has provisions in place for VMS and observers, should pollock stocks recover sufficiently in the Convention Area to allow for a commercial fishery in the future. Both VMS and observers are currently required on trial fishing vessels in the Convention Area.

The FFA also runs an observer program that provides Pacific Island observers for U.S. purse seine vessels operating under the SPTT.

NMFS has been active in promoting observer programs in RFMOs and in other nations. Each year since 1997, NMFS has sponsored the International Fisheries Observer Conference, which includes representatives from many countries (43 countries in 2007). The purpose of this conference is to share information on observer programs throughout the world; foster partnerships with industry, NGOs, government, observers, community members, and other parties that participate in observer programs; and begin to develop common operating standards for observer programs worldwide. NMFS has also developed an electronic at-sea data collection system called the Fisheries Scientific Computer System (FSCS), which it has provided to Canadian West Coast fisheries managers. Further examples of NMFS assistance in this area appear in the section on International Cooperation and Assistance below.

RFMOs also have in place a number of other MCS measures, including at-sea boarding and inspection schemes and at-sea transshipment controls. These are discussed in the section on International Monitoring and Compliance below.

4. Centralized Vessel Monitoring System

VMS is recognized as a component of effective fisheries monitoring and control. Approximately 94 percent of large fishing vessels over 100 tons in countries under obligations to regional fisheries agreements have VMS capabilities.²⁹ Despite the broad use of VMS, however, a recent FAO Expert Consultation on the Use of Monitoring Systems and Satellites for Fisheries Monitoring, Control and Surveillance recommended a number of mechanisms to address gaps in VMS implementation. These included:

- FAO action to update the existing FAO Technical Guidelines on VMS;
- A checklist of legislative requirements, model clauses and templates for the implementation of VMS, including access, use and sharing of data;

²⁹ FAO, "Combating Illegal, Unreported and Unregulated Fishing Through Monitoring, Control and Surveillance, Port State Measures and other Means," supra n. 3 at p. 9.

- Better integration of VMS into other existing data streams collected by national authorities, such as vessel registration data; data concerning catches, effort, and gear; license information; logbook data and other available maritime information;
- Action to ensure that VMS exists as part of an institutional framework of policies, laws and practices.³⁰

Participants in the Expert Consultation considered that the current international legal framework provides an adequate basis to accomplish strengthened VMS capabilities, and that a new binding international instrument would not be necessary. The Kobe Meeting of Joint Tuna RFMOs in January of 2007 also considered integrated MCS measures, such as VMS, to be important in ensuring compliance with management measures.

U.S. authorities, and in particular the NMFS Office of Law Enforcement (OLE), have played an important role in assisting RFMOs to craft effective regulations concerning VMS, as well as other enforcement matters. NMFS intends to provide additional assistance and training in these areas in the future.

5. Port State Controls

Port State controls constitute a critical link in addressing the transport and marketing of IUU-caught fish. Recognizing the key role played by port States, FAO COFI published a Model Scheme on Port State Measures to Combat IUU Fishing in 2005. The United States has been heavily involved in the development of FAO's port State work.

As a general matter, port State enforcement tools can include:

- Denial of port access altogether;
- Prohibiting the landing, transshipment and/or processing of catch;
- Seizure and forfeiture of catch;
- Prohibiting the use of port services, such as refueling, resupplying, repairs;
- Prohibiting the sale, trade, purchase, export, and/or import of IUU caught fish;
- Initiating criminal, civil or administrative proceedings under national law;
- Cooperating with the flag State and/or members of an RFMO on enforcement and/or deterrence.³¹

Building on a call for human capacity development to support port State measures, regional workshops on port State controls have been held in five regions. In August of 2006, FAO coordinated a regional workshop on port State measures for the Pacific in partnership with the FFA. The FAO, IOC, IOTC, and SWIOFC organized a June 2007 regional workshop covering South East Asia which was followed by a workshop in

³⁰FAO, "Report of Expert Consultation on the use of Monitoring Systems and Satellites for Fisheries Monitoring Control and Surveillance," FAO Fisheries Report No. 815, October 2006, p. 8-9.

³¹ Swan, J., "Port State Measures to Combat IUU Fishing, International and Regional Developments," Appendix G to the Report of the FAO/FFA Regional Workshop to Promote the Full and Effective Implementation of Port State Measures to Combat Illegal, Unreported and Unregulated Fishing," August 2006, p. 71-72.

Mauritius. A regional workshop held for the GFCM region in December of 2007 led to adoption by the GFCM in March 2008 of a new region-wide scheme for stronger port State controls targeting IUU fishing. In addition, regional workshops were also held for South East Asia and South Africa in 2008. National-level workshops for Mauritania and Senegal were also held in June of 2008, with follow-up meetings in July.

In addition, at its March 2007 meeting, FAO COFI agreed to a proposal to undertake the negotiation of a global binding agreement on minimum standards for port State measures to combat IUU fishing. The United States has been substantially involved in this effort. Among other contributions, the United States hosted and chaired one of two Experts' Consultations, which produced the draft of an agreement. The FAO held a Technical Consultation in June 2008, at which all FAO members had the opportunity to discuss the draft agreement. Consideration of the draft proceeded at a Technical Consultation in November 2008, and will be continued at a consultation planned for January 2009. The draft convention covers, *inter alia*, requirements prior to port entry, use of ports (including denial of port entry in certain circumstances), inspections and follow-up actions, and exchange of information.

A number of RFMOs have also enacted port State measures. The High Seas Task Force on IUU Fishing found in February 2006 that in general RFMOs had made good progress towards implementation of the FAO model port State scheme. Nonetheless, both the High Seas Task Force, and the UN Fish Stocks Review Conference in May of 2006 found that much more needs to be done to enhance port State controls.

Examples of port State measures called for by RFMOs follow:

ICCAT's regulations require port inspections and set minimum standards to guide inspectors in monitoring landings and transshipments, checking compliance with quotas and other conservation measures, and collecting data and other information (Recommendation 97-10). Landings and transshipments of all fish from non-contracting party vessels identified as having committed serious infringements through a vessel inspection process are prohibited if the vessel has on board species subject to ICCAT conservation measures, unless the vessel can show that the fish were caught outside the Convention Area or in compliance with the relevant ICCAT conservation measures and requirements under the Convention. ICCAT has also adopted enhanced port inspection requirements for specific fisheries such as eastern Atlantic and Mediterranean bluefin tuna. The United States continues to push for further enhancements.

NAFO has adopted a port State inspection scheme that includes verification of species, quantities and size; cross-checking with logbooks, exit catch reports and reports of any other inspections; and verification of mesh size. The NAFO Scheme to Promote Compliance by non-contracting party vessels also provides that non-contracting vessels seen fishing in the NAFO regulatory area must be inspected if they enter ports of contracting parties. Such vessels may not land or transship unless they can establish that the species on board were not caught in the NAFO Regulatory Area. Results of the inspection are sent to NAFO and all contracting parties. Because NAFO and NEAFC

have agreed mutually to recognize each other's negative lists, closure of ports to IUU-listed vessels applies to all contracting parties to both organizations.

CCAMLR denies port access to vessels on its IUU vessel list. The provision on port access requires that vessels listed on CCAMLR's contracting party or non-contracting party IUU vessel list be denied access to contracting party ports except for the purpose of enforcement action, for reasons of *force majeure*, or for purposes of rendering assistance to vessels, or persons on those vessels, in danger or distress. Vessels allowed entry into ports are to be inspected. Where the origin of the catch cannot be verified, contracting parties are required to detain the catch or refuse landing or transshipment. When catch is in contravention of CCAMLR measures, contracting party port States are to confiscate the catch and prohibit all support of the vessel.

WCPFC is in the process of developing a regional scheme governing port State measures. These will be based on the FAO Model Scheme, with enhancements to make the measures as strong as possible. The United States has been heavily involved in these efforts.

Although FFA member countries have not yet agreed on the details of a region-wide port State inspection scheme, a number of regional initiatives support the standards elaborated in the FAO Model Scheme. These include, among others: a requirement that foreign vessels be licensed and in good standing on the regional vessel register; a requirement that foreign vessels submit to inspection of vessel, gear, documentation and catch; a requirement for 24-hour prior notification of port access; and a ban on at-sea transshipment.³²

Both the High Seas Task Force on IUU Fishing and the UN Fish Stocks Review Conference in 2006 encouraged enhancements to strengthen port State measures, and, as noted above, the FAO is holding technical consultations on the text of a global binding agreement on port State controls, for consideration at the 2009 FAO/COFI meeting. The United States has consistently urged the strongest port State measures possible in RFMOs and other fisheries organizations consistent with international law, and is heavily involved in the ongoing FAO negotiations. In addition to strengthened controls in individual port States, better coordination among port States is critical. The FAO and the World Bank have suggested that coordination could be facilitated by the adoption in other States of U.S. Lacey-Act-type legislation. This would facilitate legal action against product illegally leaving one State by the State into which it is imported, sold or transported.

6. Efforts to Prevent Trade or Import of IUU-caught Fish or other Living Marine Resources

³² Brown, C., "Field Study on Port State Measures in Select Major SIDs Fishing Ports in the Western Central Pacific Region," Report of the FAO/FFA Regional Workshop to Promote the Full and Effective Implementation of Port State Measures to Control Illegal, Unreported and Unregulated Fishing, August 2006, Appendix M, p. 131.

The United States routinely raises the issue of preventing trade or import of IUU-caught fish and living marine resources in both bilateral consultations and multilateral meetings and negotiations, as discussed throughout this report. In addition, the United States has pushed in the WTO and other trade-related bodies for reduction of subsidies that contribute to overcapacity and illegal fishing activities. Examples of U.S. efforts in CITES, the WTO, and the OECD are covered in this section.

CITES provides an important potential tool to combat IUU fishing activities. As a tool for tracking trade and as a legally binding instrument, CITES Appendix II, which regulates, but does not ban, international trade, can be useful in accurately cataloguing and deterring IUU fishing. CITES could be of particular use for species not under the management of an RFMO. One example is queen conch, a species for which there is no multilateral mechanism yet in place to regulate harvest. CITES has been instrumental in promoting assurance that trade in this species is legal and sustainable. For species covered by RFMOs, an Appendix II listing could complement RFMO efforts by helping to address issues such as non-member fishing (CITES currently has 173 parties) and through the potential for multilateral trade action on States found to be out of compliance with CITES provisions. CITES also has the ability to address IUU fishing for non-listed species through resolutions and discussion papers. In November 2008, CITES will hold a workshop to consider how countries can use the best available science to ensure that international trade in species listed in Appendix II of the treaty is sustainable. NMFS is funding case studies on Indo-Pacific bottlenose dolphins and queen conch for the workshop. Work on setting sustainable takes of humphead wrasse, funded by NMFS in 2006, will be presented at the workshop as well.

The United States led the effort to encourage closer cooperation between the FAO and CITES to improve the applicability of CITES provisions to commercial fisheries. The two organizations now have an MOU providing for such cooperation. The MOU facilitates the transfer of fisheries expertise to CITES parties as they consider listing proposals for commercially exploited aquatic species. The United States also hopes that greater cooperation between FAO and CITES will lead to increased law enforcement capacity from both organizations in line with the MCS provisions of the IPOA. Before a significant number of commercially harvested fish species could be successfully listed on CITES Appendix II, a number of technical issues need to be resolved, particularly for species taken in international waters. The United States expects that the FAO will discuss and provide advice to CITES on some of these technical issues, as contemplated by the MOU.

WTO. The United States was a leader in pushing for strong new rules on fisheries subsidies in the WTO Doha round of trade negotiations. While it is difficult to address IUU fishing activities directly in new WTO rules because governments do not directly and deliberately subsidize IUU fishing, large levels of subsidization contribute to overcapacity, which frequently leads to IUU fishing operations. Curbing government subsidies and establishing new rules for how governments may provide subsidies to the fishing industry should make a significant contribution to combating IUU fishing activities.

OECD. The United States is also an active member and leader in the OECD Committee for Fisheries, which is currently chaired by an NMFS representative. In recent years, the OECD Committee has undertaken a number of studies analyzing the economics that drive, and the governance failures that have allowed, IUU fishing, including the role of subsidies to the fishing sector in creating obstacles to policy reform. The United States has contributed case studies to the current OECD Committee on Fisheries program of work on policy reform, and has contributed to the development of best practices for vessel decommissioning schemes. Such schemes, when well designed and implemented, can effectively remove fishing capacity from the oceans and reduce pressures to engage in IUU fishing activities.

E. IUU Fishing and Vulnerable Marine Ecosystems (VMEs)

As noted above, the MSRA defines IUU fishing to include fishing activity that has an adverse impact on VMEs, including seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement. The United States and the international community have taken a number of actions in recent years to address IUU fishing that has adverse impacts on vulnerable marine ecosystems. This section briefly discusses those actions.

The 2006 UNGA Sustainable Fisheries Resolution (61/105) called for domestic and international actions to protect VMEs, including seamounts, cold-water corals and hydrothermal vents, from destructive fishing practices on the high seas. Specifically, it called on States and RFMOs to:

- Identify locations of VMEs;
- Close areas to bottom fishing if VMEs are known to occur or are likely to occur unless conservation and management measures are in place to prevent significant adverse impacts;
- Assess the impact of bottom fishing on VMEs and, if significant adverse impacts are found, manage fishing to prevent impacts or not authorize fishing to proceed;
- Cease bottom fishing if a VME is encountered during fishing operations and report the encounter so that appropriate measures can be adopted in respect of the relevant site.

The resolution called for RFMOs to implement these provisions by December 31, 2008. In addition, States participating in negotiations to establish new RFMOs are to expedite negotiations and adopt and implement interim measures regulating bottom fisheries and vulnerable marine ecosystems, consistent with the above provisions, by December 31, 2007. Flag States are to adopt and implement similar measures for their vessels fishing on the high seas or cease to authorize bottom fishing in areas where there is no competent RFMO or where no interim measures have been adopted. Actions taken under this

resolution will be reviewed in 2009 in the context of the annual UNGA Sustainable Fisheries Resolution with a view to further recommendations, where necessary.

The 2006 UNGA Sustainable Fisheries Resolution (61/105) also called for the FAO to consider taking a series of actions to help States and RFMOs implement these measures. As such, members of COFI asked the FAO to assist with:

- Development of technical guidelines for the management of deep sea fisheries on the high seas, including standards and criteria for identifying VMEs and the impacts of fishing on such ecosystems;
- Creation of a global database of VMEs on the high seas; and
- Creation of a global vessel list of vessels authorized to conduct bottom fisheries on the high seas.

The FAO agreed to pursue this work, and in 2008 convened Technical Consultations to review and negotiate the guidelines. The FAO International Guidelines on the Management of Deep-sea Fisheries in the High Seas were adopted in August 2008. These guidelines serve the dual purposes of: 1) assisting flag States and RFMOs in their implementation of the bottom fishing measures of the 2006 UNGA Sustainable Fisheries Resolution 61/105 by developing standards and criteria for identifying VMEs and significant adverse impacts due to fishing on VMEs in the high seas; and 2) completing an initiative begun in 2001 to develop technical guidelines on the management of deep sea fisheries. In support of this work, several expert workshops were held, including the Workshop on Vulnerable Marine Ecosystems and Destructive Fishing in June 2007, and the Workshop on Knowledge and Data on Deep Sea Fisheries in the High Seas in November 2007. This work is in addition to and complements the other work being done by the FAO to assist States and RFMOs to combat IUU fishing.

The United States has been a key player in these developments. In 2006, the President issued a directive that the Departments of State and Commerce work with other countries directly and through new and existing RFMOs to protect VMEs from destructive fishing practices on the high seas. Based on this directive, U. S. negotiators played a leadership role in the development of UNGA Resolution 61/105 as well as in promoting relevant subsequent activities within the FAO and other international fora.

Furthermore, the United States is also playing a leadership role in existing and developing multilateral organizations to develop, implement, and enforce conservation and management measures in accordance with Resolution 61/105. Of the five RFMOs with the competence to manage bottom fisheries, the United States is party to CCAMLR and NAFO.³³ Further, the United States is actively involved in the negotiations to develop new international organizations and arrangements with the competence to manage bottom fisheries.

³³ In addition, other RFMOs to which the United States is not a party have also taken measures to address bottom fishing. In 2006 and 2007, SEAFO closed ten seamount areas to all bottom fishing, and in 2007, NEAFC closed three seamount areas to bottom fishing.

CCAMLR. In 2007, CCAMLR adopted strong management measures concerning the identification of VMEs, assessment of bottom fishing activities and subsequent management measures to prevent significant adverse impacts, the requirement of observer coverage for all bottom fishing vessels, and cessation of bottom fishing if a VME is encountered.

NAFO. In 2007, NAFO closed four seamount areas and established a new coral conservation zone where bottom fishing is prohibited. At an intersessional meeting in April 2008, NAFO parties agreed to additional protections, including prompt identification of VMEs in the Northwest Atlantic, assessment of existing bottom fishing areas and their impact on sensitive habitats, and adoption of conservation and management measures to prevent significant adverse impacts on such habitats. Starting in 2009, all new bottom fisheries will be considered exploratory and must follow detailed protocols for data collection, including measures to prevent damage to deep sea habitats. In addition, a new Ad Hoc Working Group of Fishery Managers and Scientists on VMEs will advise NAFO on adequate measures for the protection of VMEs. From NAFO's example, NEAFC has taken similar actions in 2008 to protect VMEs within the Northwestern Atlantic.

SPRFMO. Negotiations for the South Pacific Regional Fisheries Management Organization (SPRFMO) were initiated in early 2006, aimed at establishing a legally binding instrument governing the long-term conservation and sustainable use of non-highly migratory fishery resources in the South Pacific Ocean and, in so doing, safeguarding the marine ecosystems in which those resources occur. Consistent with the calls in UNGA Resolution 61/105, in May of 2007, the participants adopted interim measures to be applied prior to the entry into force of the convention. These measures fully implement Resolution 61/105, and include provisions relating to the identification of VMEs, assessment of fishing activities to prevent significant adverse impacts, and cessation of fishing when VMEs are encountered unexpectedly. Further, the measures also include provisions to prevent the expansion of existing fisheries either through the addition of fishing effort or expansion into new areas.

North Western Pacific Ocean. Another initiative is also underway to establish a multilateral arrangement in the North Western Pacific Ocean, aimed at governing the long-term conservation and sustainable use of non-highly migratory fishery resources in that area and, in so doing, safeguarding the marine ecosystems in which those resources occur. Consistent with the calls in UNGA Resolution 61/105, in February 2007 the participants adopted interim measures, which include provisions on: geographical scope; management principles; collection of fishery and scientific information; establishment of a Scientific Working Group; information sharing; and effective control of bottom fishing vessels, through the compilation, analysis, and exchange of data on bottom fishing in the region, identification of VMEs, assessment of fishing activities to prevent significant adverse impacts, and cessation of fishing when VMEs are encountered unexpectedly. Of particular note, the interim measures go beyond UNGA Resolution 61/105 by including provisions that limit fishing effort to the existing level and do not allow the expansion of bottom fisheries into new areas. These interim measures were further strengthened in

October 2007 to enhance and clarify their implementation in a number of key areas. The participants are currently considering draft standards and criteria for the assessment process called for in the interim measures.

In areas of the high seas not managed through regional fisheries organizations, the United States is also actively promoting the adoption of Resolution 61/105 by flag States, through bilateral discussions.

VI. International Monitoring and Compliance³⁴

Section 401 of the MSRA (new Section 207 of the Magnuson-Stevens Act) provides that the Secretary may undertake activities to promote improved monitoring and compliance for high seas fisheries or fisheries governed by international fishery management agreements. This section sets forth some of the monitoring and compliance activities taken by NMFS in recent years, as well as activities planned for the future, with particular emphasis on programs not referenced in the preceding sections. This section is organized on the basis of the provisions of MSRA Section 401.

A. Share Information on High Seas IUU Fishing

The rise in illegal fishing activities that has accompanied globalization underscores the need for cooperative law enforcement across national borders. IUU fishing is an area of particular focus. The United States is one of the founding members of the International Monitoring, Control and Surveillance Network (MCS Network). The MCS Network is sponsored in part by NMFS, chaired by the United States, and housed in the NMFS Office of Law Enforcement (OLE). It is a voluntary network that has almost 50 members from around the world. It was established in 2001 to provide a mechanism for fisheries law enforcement professionals in various countries to share information and experiences as they monitor the increasingly complex harvesting and marketing of fish around the world. The MCS Network is viewed as a test model for international cooperation involving of the sharing of information related to IUU fishing activity and fisheries enforcement efforts.

NMFS OLE and the United States Coast Guard (USCG) send representatives to a number of RFMOs to assist in crafting conservation measures concerning monitoring, control and surveillance. For example, based on provisions of the UNFSA, the WCPFC has developed an innovative high seas boarding and inspection scheme that permits enforcement personnel of one party to board vessels of another under specified

³⁴ Section 607 of the Moratorium Protection Act, as amended, does not explicitly call for a section on international monitoring and compliance activities in the biennial report. Since such activities are an important component of strengthening RFMOs to end IUU fishing and of reducing the adverse impacts of fishing on PLMRs, and since NMFS is heavily involved in such activities, the Department has chosen to include a section on such activities in this report.

circumstances. Both NMFS and USCG have been integrally involved in developing the specific rules applicable under this scheme. They also participate in technical assistance projects. Enforcement efforts in other areas are described below.

B. Develop Real-time Information Sharing Capabilities

NMFS OLE and the USCG work closely to enforce federal and international fisheries laws and regulations. An important part of these efforts involves working with the enforcement authorities of other nations. For example, NMFS and the USCG work closely with enforcement agencies from Canada, Japan, Korea, and Russia to enforce the NPAFC's prohibition on directed fishing for anadromous stocks in the high seas areas of the North Pacific Ocean. NPAFC enforcement activities also contribute significantly to the implementation of the United Nations global moratorium on large scale high seas driftnet (HSDN) fishing, due to the fact that IUU salmon fishing in the NPAFC Convention Area is primarily conducted with large-scale driftnets. The members of the NPAFC jointly plan and coordinate their high seas enforcement operations in order to utilize enforcement resources more efficiently. Multilateral air and surface patrols are scheduled through the NPAFC Enforcement and Coordination Meeting, which includes representatives from the United States, Canada, Russia, Japan, and South Korea. Each spring, the parties hold an Enforcement and Coordination Meeting, which involves presentations by each party on current enforcement efforts and coordination of enforcement plans and sharing of resources for the remainder of the calendar year.

The USCG also coordinates air and surface patrol efforts through the North Pacific Coast Guard Forum, which consists of the United States, Canada, Russia, Japan, South Korea, and China; and also through the North Atlantic Coast Guard Forum, which includes Belgium, Canada, Denmark (this year's host nation), Estonia, Finland, France, Germany, Iceland, Ireland, Latvia, Lithuania, the Netherlands, Norway, Poland, Russia, Sweden, the United States, and the United Kingdom. The primary objective of both of these bodies is to facilitate sharing of information and to coordinate combined operations across shared mission areas, including fisheries.

Cooperation between the United States and Canada is particularly close in the NPAFC context. Canadian Department of National Defense aircraft patrol approximately four million square kilometers in the North Pacific Ocean high seas area for HSDN vessels, with an NMFS Fisheries Enforcement agent on board. Patrols are based out of Eareckson Airfield on Shemya Island in Alaska, and operational control of the aircraft is located in the USCG 17th District Headquarters in Juneau to coordinate information and surface support operations. After a suspected HSDN vessel is sighted, real time position information is posted on the NPAFC IIS and provided to at-sea assets of all participating nations for possible interception. In 2007, Canadian aircraft patrols sighted nine suspected HSDN fishing vessels and one support vessel.

NMFS OLE, the USCG and the Chinese Government have also worked jointly since 1993 to ensure effective implementation of the UN global driftnet moratorium in the

North Pacific Ocean pursuant to the terms of the MOU Between the Government of the United States of America and the Government of the People's Republic of China on Effective Cooperation and Implementation of UNGA Resolution 46/215 of December 20, 1991. The MOU established procedures for law enforcement officials of either country to board and inspect United States or Chinese flagged vessels suspected of driftnet fishing. The MOU also established a shiprider program, which allows Chinese enforcement officials to embark on USCG resources during driftnet enforcement patrols. These officials facilitate boarding and inspection of suspected Chinese HSDN vessels intercepted by the USCG.

In 2005, the USCG implemented a new IUU enforcement plan in the NPAFC Convention Area called Operation North Pacific Watch. This initiative, along with coordinated multi-national operational efforts involving Canadian, Japanese, and Chinese surface and air patrols, resulted in the U.S. apprehension of six Chinese HSDN vessels during September-October 2007. This is the largest number of IUU vessels apprehended by the USCG since 1998, when four vessels were intercepted. The increase of HSDN interdictions in 2007 is likely the result of better enforcement targeting and operational coordination, rather than an increase in HSDN fishing in the Convention Area. Additional details of the USCG effort may be found in the 2007 Coast Guard Annual Living Marine Resource Law Enforcement Summary, as well as in the Secretary of Commerce's Annual Report to Congress on United States Actions Taken on Foreign Large-Scale High Seas Driftnet Fishing.

In 2006, the WCPFC adopted new and innovative high seas boarding and inspection procedures (CMM 2006-08). Under these procedures, boardings and inspections and related activities may be conducted on the high seas within the Convention Area for the purpose of ensuring compliance with the provisions of the Convention and conservation and management measures adopted by the WCPFC. Subject to the procedures, each member of the WCPFC may carry out boardings and inspections of fishing vessels of other member nations engaged in, or reported to have engaged in, a fishery regulated under the Convention. The United States began patrolling in support of the WCPFC in July 2008 and conducted several boardings of foreign flagged vessels under the auspices of WCPFC, including the first-ever WCPFC sanctioned boarding.

In addition, the Coast Guard has used shiprider agreements with several countries in the Western and Central Pacific to assist with enforcement in that area. Beginning in September 2007, ad hoc one-time agreements were used to conduct six successful shiprider operations with officers from Palau, Kiribati, Micronesia, Marshall Islands, and Cook Islands aboard USCG cutters. Most of those agreements have now become long-term. Shiprider operations support the goals and objectives of the United States and Pacific Island Nations as members of the WCPFC. The shiprider agreements, which cover a range of illicit activity at sea (e.g., fishing, smuggling of drugs and persons, violence at sea), provide for the embarkation of host nation law enforcement officers on USCG cutters and aircraft. Those officers, in turn, are empowered to authorize the USCG units to enter the host nation's territorial sea to assist the officers in enforcing host nation law; to assist the officers in enforcing host nation law in their EEZ's; to board and

search host nation flag vessels at sea (including the high seas) to assist the officers in enforcing host nation law; and to use reasonable force to stop non-compliant vessels subject to the jurisdiction of the officers. Among the highlights of recent shiprider operations have been seizures of Japanese longline vessels on February 12 and 13, 2008 by Micronesian National Police officers embarked on the USCG Cutter Sequoia. Neither Japanese vessel had switched on its VMS as required when operating in the Micronesian EEZ. Shipriders escorted both vessels to Pohnpei, Micronesia, where the FSM fined one vessel U.S. \$25,000 and continues to investigate the other case.

In addition to international enforcement efforts in the Pacific, the United States is working closely with Canada in the North Atlantic. For example, in July 2006, the USCG, Canadian Coast Guard, and Canadian Department of Fisheries and Oceans conducted a joint patrol aboard the Canadian Coast Guard Cutter COWLEY to observe and participate in NAFO inspections on the Flemish Cap and Grand Banks. This is notable in that the United States has been a contracting party to NAFO since 1995, but has never previously participated in the inspection program. The joint boarding teams conducted inspections of NAFO convention vessels, inspecting for compliance with NAFO conservation and management measures. In July 2007, the USCG first participated in NAFO's at-sea inspection process by embarking a petty officer as a NAFO Inspector Trainee on board the Canadian Coast Guard ship LEONARD COWLEY. To assess the possibility for more active inspection involvement for the United States, the USCG, Canadian Coast Guard, and Canadian Department of Fisheries and Oceans conducted four joint NAFO inspection patrols from June to August 2008.

The Coast Guard is also actively working with other nations to combat IUU fishing in the South Atlantic. In June 2008, an ad hoc one-time bilateral agreement was used to embark a six-person Cape Verde Coast Guard Law Enforcement Detachment aboard the USCG Cutter DALLAS for a 12-day multi-mission law enforcement patrol of the Cape Verde EEZ. The patrol focused on issues of maritime security of mutual interest to the United States and Cape Verde, including IUU fishing. The patrol was supported by U. S. Navy and French maritime patrol aircraft. Six boardings were conducted during the patrol, with no major violations.

C. Participate in Efforts to Build MCS Networks for High Seas Fishing and Fishing under Regional or Global Agreements

As noted above, the United States was one of the initiators and founding members of the MCS Network. In 2007, the Network elected the Director of NMFS's Office of Law Enforcement as Chairman. The MCS Network is in year two of a three-year enhancement project, initiated in response to recommendations contained in the 2006 report of the ministerially-led task force on IUU Fishing on the High Seas.³⁵ This initiative includes funding to improve communications within and among member countries and to hire staff to support the Network's coordination, analysis, and training

³⁵ See High Seas Task Force (HSTF) website and 2006 final report, Closing the Net, at <http://www.high-seas.org/>

efforts. Other world fisheries enforcement organizations are looking at the MCS Network as a model for international cooperation. NMFS is actively working to expand the MCS Network, which is currently housed in the NMFS OLE office and sponsored in part by NMFS.

In April 2008, the MCS Network and NMFS sponsored a one-day workshop on IUU fishing as part of the Global Fisheries Forum meeting in Hanoi, Vietnam. The workshop was designed to increase dialogue between nations and raise awareness of the IUU problem and the MCS Network's efforts to assist countries in responding to it.

In August 2008, in collaboration with the Norwegian Fisheries Directorate, the MCS Network organized the Second Global Fisheries Enforcement Training Workshop in Trondheim, Norway. The workshop brought together nearly 200 participants from approximately 50 countries and several intergovernmental organizations to exchange ideas and experiences with regard to numerous initiatives and innovative high-and low-tech approaches to achieving compliance and addressing non-compliance with fisheries laws and regulations. Topics and presentations included in the five-day conference were items such as at-sea enforcement, use of technology as an intelligence tool, IUU impacts on artisanal fisheries, port state measures, controlling and maintaining transshipment, regional collaboration, and capacity building. The workshop explored the successes and failures of the past and evaluated potential new and future strategies for enforcement of fisheries requirements. The collaborative work of the International MCS Network has become a catalyst in facilitating improvements in fisheries compliance, and the outcome of the workshop was the education of representatives from practically every region of the world with a wealth of additional information, the discussion of new enforcement strategies, and the building of new and stronger partnerships to combat IUU fishing globally. Participants agreed that IUU fishing is a global and transnational phenomenon that poses a serious threat to the sustainability of fish stocks, livelihood of communities and food security; recognized that common problems require cooperative solutions; noted that rising costs call for increased collaboration; called for more training and capacity building, particularly for developing countries; and encouraged adoption and implementation of appropriate legislation and international MCS best practices, so that vessels and nationals can be held accountable for participation in IUU fishing activities, regardless of where they occur.

D. Support Efforts to Create an International Registry or Database of Fishing Vessels

At the March 2007 COFI meeting, the United States supported, and the meeting agreed, that the FAO should proceed toward developing and maintaining a global record of all fishing and associated vessels, subject to the availability of funding. Specifically, COFI supported the convening of an Expert Consultation to do further work on developing the concept of a comprehensive global record of fishing vessels, as described in the earlier FAO feasibility study. The 2007 UNGA Sustainable Fisheries Resolution welcomed the

decision by COFI to create this global vessel list. To support this action, the UNGA requested the FAO to consider establishing a system of unique and permanent fishing and support vessel identification.

E. Enhance Enforcement of IUU and other Illegal Fishing Incursions through Remote Sensing Technology

NMFS, the USCG, and the Department of Homeland Security are studying possible use of the Unmanned Aerial Vehicle (UAV), which has been used successfully by the military for remote sensing for a number of years. The UAV would be used to help enforce both fisheries and sanctuary regulations. To date, two test flights have occurred using UAVs. During one flight, which took place over the Channel Islands in California, NMFS enforcement officials in several offices throughout the country were able to see real time images of fishing vessels via the internet.

NMFS, the USCG and the Department of Homeland Security are also working with the Department of Defense on a remote radar station. This experimental station will be located in the Florida Keys National Marine Sanctuary, and will be able to identify vessels using both radar and optical images. The optical package makes available real time images and radar information that can be examined by any authorized user on a web-based site.

NMFS and the other agencies involved will be monitoring these systems and working to see what improvements can be made. They are also looking into other remote systems that might have potential for fisheries enforcement, such as satellite images.

F. Provide Technical or other Assistance to Developing Countries to Improve their MCS Capabilities

As noted above, NMFS houses and provides partial support for the MCS Network. NMFS also houses the MCS Network enhancement project – a three-year project approved as a follow-up to the High Seas Task Force in January 2007. The enhancement project, which is supported by five countries, including the United States, provides funds to update the Network’s website and to hire full time staff, including a technical/training staff member and a Network Coordinator. Utilizing its updated website, the MCS Network will offer technical assistance and training to its members around the world.

In conjunction with the MCS Network, NMFS is engaged in a number of technical assistance and related projects. A number of these projects are described below in the section on International Cooperation and Assistance.

G. Support VMS Requirements for Large-scale Fishing Vessels Operating on the

High Seas

NMFS is working actively to support requirements that all U.S. large-scale fishing vessels be equipped with, and report their positions via, satellite-based vessel monitoring systems (VMS). NMFS also promotes the adoption of VMS requirements by RFMOs and other flag States. NMFS OLE currently monitors 5,100 U.S. fishing vessels, as well as several foreign vessels monitored under settlement or plea agreements. The VMS program is continuing to expand within the United States. As noted above, OLE also sends enforcement representatives to RFMOs to assist in the crafting of conservation measures concerning VMS as well as other enforcement issues. In the future, OLE hopes to be involved with additional RFMOs and to expand its VMS training, both directly and through the MCS Network.

VII. International Efforts to Encourage Adoption of International Measures Comparable to those of the United States to Reduce Impacts of Fishing on Protected Living Marine Resources

The United States has worked and continues to work actively within the international community to promote measures that will protect and conserve PLMRs from bycatch or other harmful effects. U.S. efforts are bilateral as well as multilateral, and include direct advocacy as well as the provision of training and other assistance. To date, U.S. efforts and RFMO actions concerning PLMRs have generally concentrated on the impacts of fishing on sea turtles, sharks, dolphins and in some cases other marine mammals. This section describes the actions taken by international fisheries bodies with regard to these PLMRs, and the U.S. involvement in those actions.

A. U.S. Tools Governing Conservation and Protection of PLMRs

U.S. law and policy establish a number of domestic requirements designed to reduce bycatch and other harmful effects of fishing activities on PLMRs by vessels subject to U.S. jurisdiction. For example, U.S. fishers are subject to requirements concerning the taking of marine mammals under the Marine Mammal Protection Act (MMPA), fisheries and related actions that affect species listed as endangered or threatened under the Endangered Species Act (ESA), fishing with the use of large-scale high seas driftnets under the High Seas Driftnet Fisheries Enforcement Act, fishing in a manner that harms sea turtles under the Shrimp Turtle Act, fishing activities affecting sharks under the Shark Finning Prohibition Act, the taking of whales under the Whaling Convention Act, and various measures relating to bycatch and harm to PLMRs under the MSRA.

In addition, U.S. law provides policy statements, action mandates and research direction for U.S. actions in the international arena. For example, the Marine Mammal Protection Act (MMPA) requires the Secretary of Commerce, working through the Secretary of State, to initiate negotiations for development of bilateral or multilateral agreements with

other nations for the protection and conservation of marine mammals. The Dolphin Conservation Program Act, the Pelly Amendment to the Fishermen's Protective Act, the High Seas Driftnet Fisheries Enforcement Act, and Section 609 of P.L. 101-162 (the Shrimp-Turtle Act) call for nations to comply with international fisheries management measures, and provide for various types of trade restrictive measures against nations whose vessels engage in activities that undermine the effectiveness of international fishery conservation measures or otherwise engage in prohibited activities. The Lacey Act prohibits the import, export, transport, sale, or possession in interstate or foreign commerce of any fish or wildlife taken, possessed, transported or sold in violation of any law or treaty or regulation of the United States. A more detailed description of these and other laws is set forth in Annex 2 to this report.

B. International Actions to Protect PLMRs

A number of international organizations have taken action to reduce bycatch of PLMRs. In most of these cases, the United States has been a major driving force behind the development of such measures.

1. Sea Turtles

Sea turtles are incidentally taken as bycatch or harmed in some pelagic longline, purse seine, gillnet, driftnet, pound net, trap/pot, and trawl fisheries throughout their ranges. All marine turtles are designated as either threatened or endangered under the ESA. The Kemp's ridley sea turtle is listed as endangered and is found principally in United States and Mexican waters. The breeding populations of olive ridley turtles on the Pacific coast of Mexico are currently listed as endangered, while other olive ridley populations are listed as threatened. Leatherback and hawksbill turtles are classified as endangered. Loggerhead turtles and green turtles are listed as threatened (except for an endangered population of green turtles nesting in Florida and on the Pacific coast of Mexico).

Sea turtle species found in the Atlantic Ocean, Mediterranean Sea, and Gulf of Mexico include the loggerhead, leatherback, green, hawksbill, olive ridley, and Kemp's ridley. Fishing impacts in those areas often involve longline, purse seine, trawl, gillnet, pound net, and trap/pot operations, and affect all of the aforementioned species. In addition, shrimp trawl fisheries in the Gulf of Mexico and other temperate areas also interact with sea turtles – primarily leatherback and loggerhead turtles. In the Eastern Tropical Pacific (ETP), the distribution of olive ridleys, greens, hawksbills, leatherbacks, and loggerheads overlaps with longline, drift gillnet, and tuna purse seine fishing operations. Due to the migratory nature of sea turtles, they frequently travel throughout ocean basins between their nesting beaches and foraging grounds. For instance, Pacific loggerheads nest in Japan, but spend part of their juvenile stage foraging off the Baja Peninsula of Mexico and in the central North Pacific Ocean.

The United States has worked aggressively through RFMOs, multilateral environmental agreements (MEAs), and other fora to urge nations to implement measures comparable to

those applicable in the United States to protect sea turtles in fisheries operations. For example, during 2007 and 2008, NMFS and the Department of State have actively advocated measures to protect sea turtles in international fisheries and conservation bodies and at bilateral fisheries meetings, such as the following:

- The 28th Annual Symposium on Sea Turtle Conservation and Biology;
- The FAO Committee on Fisheries Meeting;
- The 5th meeting of the Signatory States to the Memorandum of Understanding on the Conservation and Management of Marine Turtles of the Indian Ocean and Southeast Asia;
- The 4th Conference of Parties of the Inter-American Convention for the Protection and Conservation of Sea Turtles;
- The second meeting of the Signatory States of the Memorandum of Understanding concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa;
- The Ad-hoc Working Group on the Incidental Mortality Associated with Fishing of the Commission for the Conservation of Antarctic Marine Living Resources;
- The IATTC Annual Meeting;
- The ICCAT Annual Meeting;
- The WCPFC Annual Meeting;
- The NAFO Annual Meeting;
- The United States – Brazil Common Agenda Meeting;
- The United States – Mexico Bilateral Meeting;
- The United States – Canada Bilateral Meeting;
- The United States – EU Fisheries Bilateral Meeting;
- The United States – Uruguay Science and Technology Meeting;
- The North American Trilateral Committee on Wildlife and Ecosystem Management; and
- The North American Commission on Environmental Cooperation.

The 1989 passage of Public Law 101-162 committed the United States Government to work to ensure that other countries take measures to protect sea turtles in their shrimp fisheries by using measures comparable to those in effect in the United States (e.g., TEDs). Over the last twenty years, the United States Government has worked with numerous governments to establish TEDs programs. Each year State Department and NMFS officers travel to countries to carry out TEDs inspections and trainings. The countries in which such inspections and trainings are carried out are set forth below in the section entitled Multilateral Sea Turtle Arrangements.

FAO-COFI. U.S. efforts led to promulgation by the FAO Committee on Fisheries of Guidelines to Reduce Sea Turtle Mortality in Fishing Operations. These 2005 guidelines, which were developed at an FAO-COFI technical consultation chaired by the United States in 2004, list specific measures to promote appropriate handling and release of sea turtles affected by coastal trawl, purse seine, longline, and other fishing activities. For example, for coastal shrimp trawl vessels, the guidelines promote the use of TEDs or

other measures comparable in effectiveness. For longline vessels, they indicate that recent research has shown positive results for circle hooks with no greater than a ten degree offset, combined with whole fish bait; gear configurations and settings so that hooks remain active only at depths beyond the range of sea turtles; retrieval of long line gear earlier in the day; and reducing the soak time of hooks. The guidelines also call for research and exchange of information, policy consistency, education and training, capacity building, and other elements.

UNGA. As a result of the efforts of the United States and others, the 2005, 2006, and 2007 UNGA Sustainable Fisheries Resolutions highlighted the sea turtle bycatch issue and called on UN members urgently to implement the FAO guidelines.

Multilateral Sea Turtle Arrangements. In addition, with U.S. leadership, two multilateral arrangements have been negotiated to conserve and protect sea turtles. These are the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC), and the Indian Ocean – South East Asian Marine Turtle Memorandum of Understanding (IOSEA). Each of these multilateral instruments puts into place arrangements to protect and conserve sea turtles through use of TEDs and other conservation measures. The IAC, which is a binding international agreement, requires use of TEDs in shrimp trawl fisheries in a manner comparable to U.S. regulations, and also calls for parties to implement the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations. The Indian Ocean – South Asian MOU operates as an agreement under Article IV of the Convention on Migratory Species (CMS). Its provisions are somewhat more general, requiring measures to prevent bycatch of sea turtles, but without specifying specific gear types or actions. This MOU has 28 signatories, several of whom have implemented TEDs requirements for their shrimp trawl fisheries comparable to those applicable in the United States. At the August 2008 IOSEA Signatory States meeting, a resolution was adopted encouraging the IOTC and WCPFC to take measures to require their vessels to use bycatch mitigation measures to protect sea turtles.

As a result of these two multilateral agreements, plus bilateral work with other States, 16 nations, plus three discrete fisheries in Australia (Northern Prawn Fishery, Torres Strait Prawn Fishery, and Exmouth Gulf Prawn Fishery), and one discrete fishery from Brazil (northern shrimp fishery), were certified in 2008 as employing TEDs or other comparable measures, for purposes of importing shrimp from those fisheries into the United States: Belize, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Madagascar, Mexico, Nicaragua, Nigeria, Pakistan, Panama, Suriname, and Venezuela. In addition, 24 shrimp harvesting nations and one economy were certified as having fishing environments that do not pose a danger to sea turtles. Sixteen of these have shrimping grounds only in cold waters where the risk of taking sea turtles is negligible: Argentina, Belgium, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, and Uruguay. Eight nations and one economy harvest shrimp only with small boats and small crews that use manual rather than mechanical means to retrieve nets, or catch shrimp using other methods that do not threaten sea turtles: The Bahamas, China, the Dominican Republic, Fiji, Hong Kong, Jamaica, Oman, Peru and Sri Lanka. Shrimp from one

discrete Australian fishery (wild harvest shrimp from the Spencer Gulf region) were also found to be harvested in a manner or under circumstances not to pose a threat of incidental taking of sea turtles.³⁶

IATTC. As a result of U.S. efforts, several RFMOs have also adopted sea turtle measures. At its 75th meeting in June of 2007, the IATTC adopted a resolution to mitigate the impact of tuna fishing on sea turtles. The United States was the major force behind enactment of this resolution. The resolution calls on the contracting parties, cooperating non-parties, fishing entities and regional economic integration organizations (collectively “CPCs”) to implement the FAO guidelines to reduce the bycatch, injury, and mortality of sea turtles in fishing operations and to ensure the safe handling of all captured sea turtles. CPCs are required to report each year to the IATTC on the progress of their implementation of the FAO guidelines, including information collected on interactions with sea turtles in fisheries managed under the Convention, and to enhance any national sea turtle bycatch, injury, and mortality reduction measures already in place. The resolution also seeks to implement observer programs for fisheries that the Commission manages that may have impacts on sea turtles and are not currently subject to observer coverage (e.g., longline fisheries). It further requires fishers on vessels targeting tuna to bring aboard, if practicable, any comatose or inactive hard-shell sea turtle for the purpose of resuscitation and return to the sea.

For purse seine vessels, the guidelines require that vessels avoid encirclement of sea turtles, monitor fish aggregating devices (FADs) for entanglement of sea turtles, release all sea turtles observed entangled in FADs, conduct research and development of modified FAD designs to reduce sea turtle entanglement, and use designs found to be successful. For longline vessels, fishers are required to carry and, when sea turtle interactions occur, employ equipment, such as de-hookers, line cutters, and scoop nets that aid in the release of incidentally-caught sea turtles; improve techniques for further reduction of sea turtle bycatch; and undertake fishing trials to determine the feasibility and effectiveness of circle hooks, bait, depth, gear specifications, fishing practices, and other measures in reducing the bycatch, injury, and mortality of sea turtles, assess their effects on the catch of target and other bycatch species, and provide results to the IATTC.

WCPFC adopted a non-binding sea turtle resolution in 2005. This resolution calls on Commission members, cooperating non-members, and participating territories (“CCMs”) to implement the FAO guidelines and to ensure the safe handling of all turtles that are captured, in order to improve their survivability. It also encourages CCMs to collect and provide to the WCPFC all available information on interactions with sea turtles in fisheries managed under the WCPF Convention; to enhance the implementation of their respective turtle mitigation measures already in place; and to foster collaboration with other CCMs in the exchange of information in this area.

CCMs are encouraged to require their purse seine vessels to: avoid encirclement of sea turtles and, if any are encircled or entangled, take measures to release them safely; undertake efforts to rescue any turtle sighted in the net before it becomes entangled; stop

³⁶ Federal Register, Vol. 73, No. 99, p. 29549 (May 21, 2008).

net roll if a turtle is entangled in the net; assist the recovery of the turtle before returning it to the water; monitor FADs to release any sea turtles that become entangled; and consider the use of FAD designs that reduce sea turtle entanglement. With regard to longline fisheries, CCMs are urged to undertake research trials of appropriate-size circle hooks in commercial pelagic longline fisheries and the use of circle hooks in recreational and artisanal fisheries. CCMs are also urged to require their longline vessels to carry on board and use equipment, such as de-hookers, line cutters, and scoop nets, for the prompt release of incidentally caught sea turtles.

Finally, the measure provides for cooperation with the IATTC in sharing data on sea turtle bycatch and developing and applying compatible bycatch reduction measures. It also notes that observer programs should be reviewed to ensure that appropriate information on sea turtle interactions is being collected. The WCPFC also decided to make available resources from its Special Fund to assist developing State members and territories in implementing the FAO guidelines. The United States introduced a proposal for a binding sea turtle conservation and management measure in 2007, but action on the measure was deferred to the 2008 annual meeting. In the interim, an intersessional working group, led by the United States, was established to further efforts to adopt a binding measure at the 2008 session.

ICCAT adopted a resolution on sea turtles in December of 2003. It encourages contracting parties, cooperating non-contracting parties, entities and fishing entities to collect and provide to the ICCAT Standing Committee on Research and Statistics all available information on interactions with sea turtles in ICCAT fisheries, including incidental catches and other impacts on sea turtles in the Convention Area, such as the deterioration of nesting sites and swallowing of marine debris. It also encourages the release of marine turtles that are incidentally caught alive, and encourages sharing of information on technical measures to reduce the incidental catch of turtles and to encourage the safe handling of all turtles that are released. It calls further for the development of data collection and reporting methods covering the incidental bycatch of sea turtles in tuna and tuna-like fisheries, and for support for the efforts by FAO to address the conservation and management of sea turtles, through a holistic approach. In 2005, ICCAT adopted a resolution on circle hooks that calls on parties to conduct research on the impact of circle hooks in reducing bycatch in different fisheries.

NAFO adopted a Resolution to Reduce Sea Turtle Mortality in NAFO Fishing Operations in 2006. This resolution calls on countries to implement the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations and to provide data to the Secretariat on sea turtle interactions in NAFO managed fisheries.

U.S. efforts concerning sea turtles also include training, technology transfer, and related assistance. These efforts are described in the section concerning International Cooperation and Assistance, below.

2. Sharks

Pelagic sharks are an important bycatch species of longline and other fisheries in the Atlantic Ocean, the Gulf of Mexico, the Caribbean, the Eastern Tropical Pacific, and the Western and Central Pacific Ocean. In the Atlantic Ocean, Gulf of Mexico and Caribbean, blue, shortfin mako, and other sharks are caught in a variety of gears, including longlines, gillnets, handlines, and rod and reel. In the pelagic longline fisheries targeting tuna and swordfish, sharks are caught primarily as bycatch. Some commercial fisheries, such as the bottom longline fishery and gillnet fishery, also target sharks. These commercial fisheries generally target sandbar and blacktip sharks. Recreational handline and rod and reel fisheries also target sharks – generally the pelagic species such as blue and shortfin mako sharks.

In the Western and Central Pacific Ocean, pelagic sharks and rays are common bycatch of the longline and purse seine fisheries, but few data have been collected at the species level. Observer data indicate that at least 16 species have been observed as bycatch in the longline fishery and at least 10 species in the purse seine fishery. Blue and silky sharks are taken in commercial longline operations in this area, although silky sharks appear to be taken at a lower rate than blues. Blue sharks are also the species most associated with finning. The predominant shark species observed in the purse seine fishery in the Western and Central Pacific are the silky shark and the oceanic whitetip shark.

UNGA. At the strong urging of the United States, the 2007 UNGA Sustainable Fisheries Resolution (A/62/177) calls for strengthened protections for vulnerable and endangered shark populations around the world. Nations agreed to language based on a U.S. proposal that calls on individual nations and international fisheries organizations to take immediate and concerted actions to improve shark conservation and management, and to better enforce existing rules on shark fishing, including bans on shark finning. The resolution language calls for, among other things, establishing limits on shark catches, undertaking improved assessment of the health of shark stocks, reducing shark bycatch in other fisheries, and limiting shark fisheries until management measures are adopted. One key aspect of the language agreed in the UNGA negotiations is the call for improved compliance with current bans on shark finning including, where necessary, consideration of taking other appropriate measures, such as requiring that all sharks be landed with each fin naturally attached.

FAO-COFI. Based on concerns emanating from within the U.S. conservation community in the late 1990s – concerns that led to enactment of the Shark Finning Prohibition Act of 2001 – U.S. officials initiated discussion of shark finning and bycatch in the FAO Committee on Fisheries. The United States, with support from like-minded nations, successfully pushed for adoption by COFI of the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks) in 2000. The objective of the plan is to ensure the conservation and management of sharks and their long-term sustainable use. The plan calls for individual countries to adopt NPOAs for the conservation and management of shark stocks if their vessels conduct directed fisheries for sharks or if their vessels regularly catch sharks in non-directed fisheries. The plan sets forth specific conservation and management strategies, including decreasing fishing effort on any shark stock where the catch is unsustainable, improving the utilization of

sharks caught, improving data collection and monitoring, training all concerned in identification of shark species, facilitating and encouraging research on little known shark species, and obtaining utilization and trade data on sharks. It also sets forth suggested contents of a shark assessment report.

To date, adoption of national plans has been slow. Based on 2004 FAO data, the top shark fishing nations and entities, in descending order of catch, are: Indonesia, European Commission, India, Spain, Taiwan, Mexico, Argentina, United States, Thailand, Pakistan, Japan, Malaysia, France, Brazil, Sri Lanka, Islamic Republic of Iran, New Zealand, United Kingdom, Nigeria and Portugal. Of those, only Taiwan, Mexico, the United States, Japan and Malaysia have adopted NPOAs covering sharks.

CITES. At United States urging, CITES has addressed the issue of sharks on several recent occasions. In 1996, the CITES Animals Committee began compiling data on the biological and trade status of shark species subject to international trade. Several species of pelagic sharks, such as the basking shark and great white shark, have been listed in Appendix II of CITES as species that may become threatened with extinction unless trade is subject to regulation. The Animals Committee has also discussed the potential role for CITES in assisting FAO members in implementation of the IPOA-Sharks, especially in respect of international trade in sharks and their parts and derivatives. At its 12th annual meeting in 2002, CITES adopted a resolution concerning conservation and management of sharks. Among other elements, that resolution called on parties to implement the IPOA-Sharks, and directed the Animals Committee to make species-specific recommendations at subsequent meetings if necessary to improve the conservation of sharks and the regulation of international trade in shark species. It also requested parties to collaborate with their national Customs authorities to expand classification systems to allow for the collection of detailed data on shark trade, including, where possible, separate categories for processed and unprocessed products, and for meat, cartilage, skin and fins. It called further for methods to distinguish imports, exports and re-exports.

CITES considered sharks again at its June 2007 meeting, leading to adoption of resolution 14.101. This resolution urges parties to implement the IPOA-Sharks as a matter of priority, establish systems for verification of catch, and improve monitoring and reporting in cooperation with FAO and RFMOs. It also calls on parties that are members of RFMOs to urge those bodies to develop shark management plans. It encourages parties landing and exporting products from shark species to improve communication between their CITES and fisheries authorities and to ensure that levels of international trade are not detrimental to the status of the species. Parties are also encouraged to continue developing manuals and guides for the identification of sharks and shark products in international trade. Finally, the resolution urges parties, when developing proposals to include shark species in CITES appendices, to consider factors affecting implementation and effectiveness, including monitoring and enforcement practicalities, given that sharks are generally traded in parts (meat, fins, etc.).

Convention on Migratory Species (CMS). The Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) convened an

intergovernmental meeting in December 2007 in the Seychelles to identify and elaborate an option for international cooperation on migratory sharks under CMS. CMS (otherwise known as the Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. CMS is an intergovernmental treaty, concluded under the aegis of the United Nations Environment Program, with 109 parties. Although the United States is not a party to the CMS, non-parties are able to participate in the negotiation of and can sign onto individual instruments concluded under the CMS umbrella.

The meeting participants discussed a range of options for a potential CMS instrument, including the type of instrument desired, the species to be covered, the desired geographical area and issues that should be addressed. Possible components of a CMS shark instrument could include, but would not necessarily be limited to, measures for capacity building in developing countries, identification of shark habitats and migration routes/corridors, the creation of a standardized global shark database, coordination of research efforts, promotion and regulation of non-consumptive uses such as ecotourism, processes to encourage to prohibition of shark finning, active cooperation with industry, encouragement of relevant bodies to establish appropriate management measures, encouragement of or restrictions on shark bycatch in non-directed fisheries, and global promotion of shark conservation and wise use. Although no concrete decisions were reached by the participants, momentum seemed to favor drafting a non-binding Memorandum of Understanding, global in scope, that would initially cover the three species currently listed in CMS Appendices I&II (whale shark, basking shark and great white shark), with a mechanism for expanding future coverage.

The U.S. focus at the meeting was to explore ways that CMS may be able to add value to our primary areas of focus related to migratory sharks, including (1) strengthening shark management in U.S. waters, (2) working with other nations, particularly developing nations to build capacity for shark management, (3) working through RFMOs to fulfill their mandates for sharks, and (4) improving enforcement of shark finning bans. The United States highlighted the stronger mandate for the international community to advance shark conservation contained in the 2007 UNGA Sustainable Fisheries Resolution. The United States also highlighted its strong domestic shark conservation measures and its support for development and implementation of the FAO's International Plan of Action on Sharks, the adoption of shark conservation and management measures by regional fisheries management organizations, and work on trade in sharks and shark products at CITES.

The next meeting to discuss options for a CMS shark instrument occurred in December 2008, immediately following the 9th Conference of the CMS Parties in Rome. The United States remains hopeful that these efforts may produce a new international instrument that can advance and add value to endeavors to improve the conservation and management of migratory sharks.

Shark conservation has also been raised at meetings of the World Customs Organization, with the purpose of promoting the establishment and use of specific headings within the

standard tariff classifications of the Harmonized System of Tariffs to discriminate between shark meat, fins, leather, cartilage and other products.

Numerous RFMOs to which the United States is party have taken measures to protect sharks:

ICCAT. ICCAT's Standing Committee on Research and Statistics (SCRS) assessed pelagic sharks in 2001. Several subsequent resolutions have been adopted. The first, a non-binding measure adopted in 2002, provided that the SCRS should conduct assessments for Atlantic shortfin mako and blue sharks in 2004. It also required that all contracting parties, cooperating non-contracting parties, entities, and fishing entities (CPCs) submit catch and effort data for porbeagle, shortfin mako and blue sharks; encourage the release of live sharks caught incidentally, especially juveniles, to the extent possible; minimize waste and discards from shark catches; and voluntarily agree not to increase fishing effort targeting Atlantic porbeagle, shortfin mako and blue sharks until sustainable levels of harvest can be determined through stock assessments.

Due to U.S. leadership, these provisions were substantially augmented and made binding in 2004. Among other things, the binding 2004 measure required full utilization of shark catches. Full utilization is defined as retention by the fishing vessel of all parts of the shark except the head, guts and skins, to the point of first landing. The recommendation (binding under ICCAT rules) requires CPCs to prohibit their vessels from having on board fins that total more than 5 percent of the weight of sharks onboard, up to the first point of landing. CPCs that currently do not require fins and carcasses to be offloaded together at the point of first landing are required to take measures to ensure compliance with the 5 percent ratio through certification, monitoring by an observer, or other appropriate measures. The measure requires that the ratio of fin-to-body weight of sharks be reviewed by the SCRS and reported back to the Commission in 2005 for revision, if necessary. It also prohibits fishing vessels from retaining on board, transshipping, or landing any fins harvested in contravention of the provisions. In fisheries that are not directed at sharks, it calls on CPCs to encourage the release of live sharks, especially juveniles that are caught incidentally and not used for food and/or subsistence.

Based on a 2006 U.S. proposal, ICCAT required stock assessments of and preparation of management alternatives for shortfin mako and blue sharks in time for consideration at the 2008 meeting. In 2007, in turn, based on U.S. and Canadian proposals, the Commission passed a measure requiring data collection; measures to reduce fishing mortality on porbeagle and shortfin mako sharks until assessments determine sustainable harvest levels; an assessment of porbeagle sharks as soon as possible but no later than 2009; and research on pelagic sharks, specifically to identify potential nursery areas. Given the requests of the Commission, the SCRS will be undertaking stock assessments of shortfin mako, blue, and most likely porbeagle sharks in 2008.

IATTC. Due in large part to U.S. leadership, IATTC adopted a measure to protect sharks in 2005 (Resolution C-05-03). This measure requires contracting parties, cooperating non-parties, fishing entities and regional economic integration organizations (CPCs) to

establish and implement NPOAs for conservation and management of shark stocks, in accordance with the FAO IPOA-Sharks. It also requires CPCs and, if possible, the Western and Central Pacific Fisheries Commission, to provide preliminary advice on the stock status of key shark species and propose a research plan for a comprehensive assessment of these stocks.

To prohibit shark finning, the resolution requires CPCs to fully utilize any retained catches of sharks. Similar to the ICCAT measure, full utilization is defined as retention by the fishing vessel of all parts of the shark except the head, guts, and skins, to the point of first landing. CPC vessels may not have on board fins that total more than 5 percent of the weight of sharks onboard, up to the first point of landing. CPCs that currently do not require fins and carcasses to be offloaded together at the point of first landing are required to adopt measures to ensure compliance with the 5 percent ratio through certification, monitoring by an observer, or other appropriate measures. Finally, fishing vessels are prohibited from retaining on board, transshipping, landing or trading in any fins harvested in contravention of the resolution.

The bycatch provisions of the resolution encourage CPC tuna fisheries to release live bycaught sharks, especially juveniles, and to undertake research to identify ways to make fishing gear more selective. CPCs are also encouraged to conduct research to identify shark nursery areas. Each CPC is required to submit annual data concerning catches, effort by gear type, landing and trade of sharks by species.

NAFO. Under Article 13 of its Conservation and Management Measures, and as a result of a U.S. initiative, NAFO requires reporting of data, requires full utilization of sharks caught, and prohibits shark fins on board that total more than 5 percent of the weight of sharks on board. Also, in 2005, NAFO became the first RFMO to bring a stock of elasmobranchs, thorny skates, under a conservation and management regime. The United States proposed this measure. Members are also to provide reports on progress on developing their NPOAs for sharks, for circulation among NAFO members.

WCPFC. The WCPF Convention provides that the Commission adopt conservation and management measures to address the mortality of non-target species. In 2006, the WCPFC adopted Conservation and Management Measure 2006-05 governing the conservation and management of sharks. The United States was instrumental in getting this measure adopted. It calls on commission members, cooperating non-members, and participating territories (CCMs) to implement the IPOA – Sharks and to advise the WCPFC annually on their implementation. The measure encourages the inclusion of particular items in NPOAs or other relevant policies for sharks. Such plans should include measures to minimize waste and discards from shark catches and to encourage the live release of incidental catches of sharks. Each CCM is expected to include key shark species, to be identified by the Scientific Committee, in annual reports to the Commission.

The measure, which took effect on January 1, 2008, currently applies only to vessels greater than 24m in length. It requires members to take measures necessary to ensure that

their fishers fully utilize any retained catches of sharks. The full utilization requirements are similar to those under ICCAT and IATTC. The measure also provides that vessels may have on board fins that total no more than 5 percent of the weight of sharks onboard.

The broader bycatch restrictions contained in the measure encourage CCMs with tuna fisheries and fisheries not directed at sharks to release live sharks that are caught incidentally and are not used for food or other purposes. Finally, CCMs are encouraged to cooperate in the development of stock assessments for key shark species within the Convention Area.

CCAMLR. In 2006, CCAMLR recognized that, pending the collection of information on the status of shark stocks, it would be appropriate to restrict and, if possible, to reduce removals from these stocks. It therefore adopted a conservation measure that prohibited directed fishing on shark species in the Convention Area for purposes other than scientific research. This prohibition is to remain in effect until such time as the Scientific Committee has investigated and reported on the potential impacts of this fishing activity and the Commission has agreed, on the basis of scientific advice, that such fishing may occur in the Convention Area. Until then the Commission stipulated that any sharks, especially juveniles and gravid females, taken incidentally in other fisheries, are to be released alive, as far as possible.

3. Dolphins

Since the early 1990s the United States has worked diligently to ensure that foreign vessels fishing for tuna with purse seines in areas where such fisheries interact with dolphins are subject to measures to protect dolphins comparable to those applicable to U.S. purse seine vessels. In 1995, the United States and the Governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, and Spain negotiated the Panama Declaration, establishing conservative species/stock specific annual dolphin mortality limits and representing an important step toward reducing bycatch of dolphins in commercial Eastern Tropic Pacific tuna purse seine fisheries. The United States also pushed for conclusion of a binding agreement establishing for all countries fishing in the tuna purse seine fishery in the ETP methods of protecting dolphins comparable to those under U.S. law. As a result of these efforts, the Agreement on the International Dolphin Conservation Program (AIDCP) was signed in Washington in 1998 and entered into force in 1999. Parties to the Agreement are Costa Rica, Ecuador, El Salvador, EU, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, United States, Vanuatu, and Venezuela. Bolivia, Colombia, and the European Union are applying the Agreement provisionally.

The objective of the AIDCP is to ensure the long-term sustainability of tuna stocks in the EPO, as well as living marine resources related to the tuna fisheries; to seek ecologically sound means of capturing large yellowfin tunas not in association with dolphins; progressively to reduce the incidental dolphin mortalities in the tuna fishery of the EPO to levels approaching zero; and to avoid, reduce and minimize the incidental catch and discard of juvenile tuna and the incidental catch of non-target species, taking into

consideration the interrelationship among species in the ecosystem. The AIDCP applies to typical dolphins associated with the yellowfin tuna fishery in the Agreement Area (in practice, the spotted and, to a lesser extent, common and spinner dolphins, although other species, including striped and bottlenose dolphins, are also relevant).

The AIDCP establishes a system of dolphin mortality limits (DMLs) by which dolphin mortality is reduced. It also establishes per-stock-per-year dolphin mortality caps with the objective of achieving a limit of 0.1 percent of the minimum estimated abundance of stocks from the year 2001 onward. This objective was achieved. In 2006, the number of observed dolphin mortalities in the EPO purse-seine fishery was less than 900 individuals. This represents a reduction in dolphin mortality in the fishery of over 99 percent from the estimated 133,000 mortalities in 1986. The Agreement requires parties to manage their DMLs in a responsible manner and provides for the reallocation of DMLs that have either not been used or have been forfeited during a particular year because of irresponsible use.

In addition to the DML system, the Agreement provides incentives to vessel captains to continue to reduce incidental dolphin mortality further, with the goal of eliminating mortality altogether. It also provides for implementation of a system for the tracking and verification of tuna harvested with and without mortality or serious injury of dolphins; the exchange of scientific research data collected by the parties pursuant to the Agreement; and the conduct of research for the purpose of seeking ecologically sound means of capturing large yellowfin tuna not in association with dolphins.

The AIDCP is widely recognized as the most successful and comprehensive bycatch agreement of its kind. In November 2005, the FAO recognized the “unqualified success” of the AIDCP, and awarded it the Margarita Lizárraga award in recognition of its “comprehensive, sustainable and catalytic initiatives” in support of the Code of Conduct for Responsible Fisheries. Some of the most important elements of the Agreement include 100% observer coverage on large purse-seine vessels, conservative species/stock specific annual dolphin mortality limits, a tuna tracking and verification program, and mandatory measures to ensure that all dolphins are released from the nets unharmed, prior to bringing the tuna catch aboard (e.g. mandatory backdown, putting divers in the water, a prohibition on the use of explosives, and a prohibition on night sets). The Agreement also includes a mechanism for transparent tracking and analysis of potential infractions that includes opportunities for participation by environmental non-governmental organizations and industry representatives, and focuses on high-risk activities such as sets that occur after dark and any possible harassment of national or international observers.

4. Other Marine Mammals

A number of other marine mammals are also taken incidentally as bycatch or harmed in fishery operations in the world's oceans. In the Atlantic and Northeast Coastal areas, the vast majority of marine mammals that interact with longline activities are pilot whales and Risso's dolphins. The longline fishery in the Mid-Atlantic Bight and Northeast

Coastal areas interact with pilot whales and occasionally Risso's dolphins; in addition, interactions also sometimes occur with Risso's dolphins in the Northeast high seas areas and the Gulf of Mexico. Other observed marine mammal interactions in the Atlantic pelagic longline fishery have included common dolphins, bottlenose dolphins, Atlantic spotted dolphins, striped dolphins, northern bottlenose whales, killer whales, minke whales and pygmy sperm whales. In the Atlantic Ocean and the Mediterranean Sea more generally, interactions with marine mammals have included minke whales, sei whales, brydes whales, fin whales, common dolphins, northern right whales, shortfin pilot whales, humpback whales, various species of dolphins and others.

In the ETP, in addition to the dolphins that interact with the tuna purse seine fishery discussed above, other marine mammal species that have been sighted during NMFS stock assessments include blue whales, sei whales, fin whales, southern right whales and humpback whales. These species are all listed as endangered under the ESA. Pinnipeds have also been sighted in the ETP, but tuna purse seines have not been known to interact regularly with pinnipeds. Pinniped species, seen usually one or two at a time, include the California sea lion, northern fur seal and the northern elephant seal.

In the Western Pacific, endangered cetacean species observed during NMFS stock assessments have included the humpback whale, sperm whale, blue whale, fin whale, and sei whale. There is little evidence that purse seiners operating in the Western and Central Pacific area deploy dolphin-associated sets. A few records indicate encirclement of Risso's dolphins and pilot whales during log sets in some areas. Sei whale sets are more common in equatorial areas, but these very large animals are usually released unharmed. In addition, marine mammals occasionally become entangled or hooked by longline gear. False killer whales have been documented depredating on longline bait and catch in the Western Pacific Ocean and have been killed or seriously injured incidental to this fishery.

IWC. The International Whaling Commission (IWC) manages thirteen species of great whales (bowhead whale, North Atlantic right whale, North Pacific right whale, southern right whale, gray whale, blue whale, fin whale, sei whale, bryde's whale, common minke whale, Antarctic minke whale, humpback whale, and sperm whale). The IWC's charge is to adopt regulations for the conservation and utilization of whale resources. Regulations are put in place and updated through periodic amendments to the Schedule, a document that is an integral part of the International Convention for the Regulation of Whaling (ICRW). Amendments to the Schedule are to be based on scientific findings and require a three-fourths majority of all voting members. Any government can "object" to any decision, provided the objection is lodged within 90 days of notification of the decision. The government or governments that object are then not bound by that particular decision. Since 1985-86, a moratorium on commercial whaling has been in effect. The moratorium does not affect aboriginal subsistence whaling. In addition, scientific whaling and some commercial whaling (by nations who objected to the moratorium) currently occurs. The IWC also discusses smaller cetaceans at its meetings, although difference of opinion exists among the members about whether the IWC has authority to regulate those species. NMFS undertakes a number of research projects on cetaceans in

U.S. waters and overseas. NMFS also collaborates with non-U.S. scientists on a wide variety of cetacean research activities.

CCAMLR has focused significant effort on the assessment and avoidance of incidental mortality of Antarctic marine mammals in commercial fisheries through establishment of its Ad hoc Working Group on Incidental Mortality Associated with Fishing. Three marine mammal mortalities were reported in longline gear during the 2006/2007 fishing season, compared to no reports or mortalities in 2005/2006. No marine mammals were reported entangled and released alive in longline fisheries in 2006/2007, compared to two in the previous season. No marine mammals were reported entangled or killed in the krill trawl fisheries in 2006/2007 compared to 142 Antarctic fur seals in 2004/2005 and one in 2005/2006. CCAMLR has strongly recommended that vessels participating in the krill fishery use seal excluder devices, and such devices came into more regular use beginning with the 2005/2006 season. No marine mammals were reported entangled or killed in the finfish trawl fisheries and there were no reports of marine mammals in pot fisheries.

WCPFC. The WCPF Convention specifically calls for the Commission to adopt measures to minimize waste, discards, and catch by lost or abandoned gear; catch of non-target species, both fish and non-fish species, and in particular endangered species; and to promote the development and use of selective, environmentally safe and cost-effective fishing gear and techniques. Although the Commission has not yet put into place measures specifically aimed at marine mammals, it may do so in the future.

VIII. International Cooperation and Assistance³⁷

A. International Institutional Assistance Efforts

Increasingly, the international community is recognizing the importance of providing necessary tools and training to assist developing coastal and fishing States with monitoring and management of their fisheries and fishing vessels. Such assistance helps nations address IUU fishing activities and helps promote the adoption of measures to mitigate the adverse impacts of fishing activities on PLMRs. The need for such cooperation and assistance has been recognized in several recent international and regional fisheries agreements.

³⁷ Section 607 of the Moratorium Protection Act, as amended, does not explicitly require information on international cooperation and assistance in the biennial report. Since such cooperation and assistance is important in promoting progress at the international level to address IUU fishing and to promote adoption of international measures comparable to those of the United States to reduce impacts of fishing and other practices on protected living marine resources, and because NMFS actively is involved in programs, including cooperative research, for these purposes, the Department has chosen to include a section on international cooperation and assistance in this report.

UNFSA. Part VII of the 1995 UN Fish Stocks Agreement recognizes the special requirements of developing States with regard to conservation and management of straddling and highly migratory fish stocks and development of fisheries for such stocks. To this end, it provides that States shall, either directly or through international organizations, such as the FAO or other appropriate international or regional organizations and bodies, provide assistance to developing States. The purpose of such cooperation is to enhance the ability of developing States to conserve and manage their fisheries, to enable them to participate in high seas fisheries, and to facilitate their participation in subregional and regional fisheries management organizations and arrangements. Cooperation is to include financial assistance; assistance in human resources development; technical assistance; transfer of technology; and advisory and consultative services in the areas of improved conservation and management, stock assessment and scientific research, monitoring, control and surveillance, and compliance and enforcement, including training and capacity building at the local level. Article 26 provides that States shall cooperate to establish special funds to assist developing States in the implementation of the agreement. In implementation of Article 26, UNFSA parties have established an Assistance Fund, administered by FAO, to provide developing States parties, especially small island developing States, with financial assistance to help them implement the Agreement. To date, Canada, Iceland, Norway, and the United States have contributed to the fund, which had \$417,700 available for disbursement at the time of the UNFSA Review Conference in 2006.

The UNFSA also provides that in giving effect to the duty to conserve and manage stocks, States are to take into account the special requirements of developing States, in particular the vulnerability of States that depend on exploitation of living marine resources, including for the nutritional requirements of their populations; the need to avoid adverse impacts on and ensure access to fisheries by subsistence, small-scale and artisanal fisheries, women fish workers, and indigenous people in developing States, particularly small island developing States; and the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action to developing States.

UNGA. Since the entry into force of UNFSA, the UNGA has emphasized the importance of capacity-building assistance in these areas. For example, Sustainable Fisheries Resolution 61/105 (2006) places particular emphasis on development of special financial mechanisms or instruments to help developing States enhance their national capacities to manage and exploit fishery resources. The 2007 UNGA Sustainable Fisheries Resolution also encourages States, individually and through RFMOs and arrangements, to provide greater assistance and promote coherence in such assistance.

The WCPF and SEAFO Conventions, which were negotiated since the entry into force of the UNFSA, incorporate special provisions for developing States. In addition, some other RFMOs have incorporated special treatment of developing countries in practice, even though not specifically called for in their founding conventions.

WCPFC. Under its Convention, the WCPFC has established a special requirements fund for developing State members. A precursor fund was set up during the negotiations to assist developing States to participate in the negotiations. The United States supported establishment of these funds and has contributed to them, both during the negotiations and subsequently under the Convention itself. The WCPF Convention also requires that in developing criteria for the allocation of catch or effort, the Commission must recognize the circumstances of developing States in the region.

SEAFO. The SEAFO Convention similarly contains established mechanisms to provide not only financial assistance to developing countries, but also technical assistance, information exchange to facilitate conservation and management of stocks, and assistance with scientific research and monitoring, control and surveillance.

CCAMLR parties have agreed to develop a program that provides support and technical assistance as well as advice and training to non-contracting parties. The CCAMLR Cooperation Enhancement Program was adopted in 2004 to encourage and build the capacity of non-contracting parties to cooperate with CCAMLR to combat IUU fishing on the water and in their ports.

ICCAT has put into place allocation criteria that take into account the various coastal community and State needs with regard to the economic and social importance of the fishery. In addition, the Madrid Protocol to the ICCAT Convention, which entered into force in 2005, reduces the costs of membership for developing States. U. S. leadership resulted in the establishment of the ICCAT data fund in 2004. Monies from this fund, which is supported through voluntary contributions, are used primarily to support attendance by developing State scientists at SCRS meetings, but can also be used to assist with data improvement projects for the benefit of developing countries. The United States has been the main contributor to this fund. In 2007, the United States provided financial support and technical expertise for an ICCAT Data Workshop in West Africa, designed to improve developing State data collection and stock assessments. The United States is also working to develop cooperative relationships with Uruguay on a number of issues within the context of ICCAT, including billfish, sharks, use of circle hooks, and observers.

B. Bilateral and Regional Fisheries Conservation and IUU-Related Management Assistance, including Cooperative Research

The United States has been active in providing technical and other types of cooperation and assistance to developing states for conservation and management, stock assessment, scientific research, and monitoring and enforcement. Examples of some of these programs during the three-year period from FY 2006 through FY 2008 are set forth in this section. In implementation of the MSRA, NOAA has expanded its cooperation and assistance activities with funding made available specifically pursuant to the MSRA. Those projects funded under the MSRA in FY 2008 are noted below.

Central American and Caribbean. One of the areas of major U.S. concentration in recent years has been Central America and the Caribbean – an area in which there is considerable IUU fishing.

NMFS has supported the development and operation of regional fisheries organizations in the Caribbean. For example:

- NMFS provided \$50,000 in FY 2007 to convene a working group of the Western Central Atlantic Fisheries Commission (WECAFC) to discuss regional fisheries management in the wider Caribbean, and also provided \$10,000 in FY 2008 to support the 13th session of WECAFC;
- Contributions have been made to the Gulf and Caribbean Fisheries Institute (GCFI) to assist with its work – two contributions totaling \$30,000 for its 58th Annual Meeting in 2005, and \$20,000 for its 61st meeting in 2008.

Since FY 2006, NMFS has also provided assistance with regard to management of specific fisheries issues in the Caribbean. These projects have included:

- Funding for a 2008 workshop to create a pan-Caribbean management strategy for the Nassau Grouper (\$30,000 in FY 2008 MSRA funds), plus \$7,000 in additional MSRA funds for follow-up activities by WECAFC;
- Funding to assist in addressing IUU fishing in the vicinity of Navassa Island (\$20,000 in FY 2008 MSRA funds);
- Funding for workshops on implementation of CITES for Queen Conch – \$45,000 in MSRA FY 2008 funding for CITES and fisheries authorities of Colombia, Honduras, Nicaragua and Jamaica to develop coordinated approaches to common challenges in sustaining the Queen Conch fishery and to develop a regional management and enforcement strategy, plus an additional \$10,000 in ESA funds (these projects follow up on \$27,000 provided for a prior workshop in FY 2005);
- Funding for the recovery of historical data on yellowfin tuna from Mexico in order to improve effectiveness of ICCAT management and monitoring and control (\$15,000 in FY 2008 MSRA funds);
- Funding for a workshop on Stranding in French-speaking Caribbean through the Protocol for Specially Protected Areas and Wildlife (SPAW) (\$30,000 in FY 2007 funds);
- Funding for production of a taxonomic field guide for stranding responders (\$10,000 in FY 2007 funds);
- Support for work with Mexico in 2006 on pilot sailfish tagging in the Sea of Cortez and larval fish connectivity research, as well as a 2007 project to teach shark identification procedures and how to make field guides; and
- Funding for a workshop on Spiny Lobster through FAO (\$50,000 in FY 2006 funds).

A key focus area in the United States-Central American Free Trade Agreement (CAFTA) Economic Cooperation Agreement is enforcement and compliance. To address enforcement and compliance issues in fisheries, four projects have been funded by the

United States Agency for International Development (USAID) and the Department of State (DOS) under CAFTA for Fiscal Year (FY) 2005, FY 2006, and FY 2007. Those projects, which are being carried out by NMFS, involve:

- A Central American workshop for fisheries and enforcement officers through the Organizacion del Sector Pesquero y Acuicola del Istmo Centro Americano (OSPESCA) to assess their needs for assistance to build enforcement capacity for marine resources enforcement (\$100,000); once the assessment is completed, the hope is that a second phase involving training in the areas identified can be implemented;
- A project to promote the use of circle hooks in the tuna longline fishery to reduce sea turtle bycatch, which will involve a series of workshops and field experiments using circle hooks to see how they work best and to promote their use (\$325,000);
- A series of workshops to build capacity for the use of TEDs to protect sea turtles in the shrimp trawl fishery (\$300,000); and
- A project to translate and make available online regional fisheries laws in order to facilitate U.S. enforcement, through application of the Lacey Act, with respect to illegally-harvested fisheries products that are imported into the United States. This resource will also facilitate intra-regional cooperative enforcement as countries in the region continue their efforts to develop consistent legal frameworks across the region and to adopt Lacey Act-type instruments of their own.

Africa. NMFS has been working with the Navy on a number of fisheries-related programs in West Africa, specifically to promote improvement of fisheries monitoring and enforcement. With the Navy, NMFS conducted an observer and enforcement training workshop in an on-board classroom in Ghana in 2008 (see observer discussion, below). In addition, NMFS and Navy representatives discussed fisheries as an important aspect of maritime security with representatives from Senegal's Department of Fisheries.

As part of its increased engagement in broad maritime safety and security issues in West Africa, the Navy, along with the United States European Command, the West Africa Trade Hub, USAID, and the Africa Center for Strategic Studies, sponsored a Maritime Safety and Security workshop in 2006. Policy papers prepared for this workshop noted that one of the primary threats in the Gulf of Guinea region was the poaching and depletion of fish stocks. Based on the results of the workshop, a Ministerial Conference was held in November 2006 to build political will to address these maritime threats. Both of these meetings included discussion of IUU fishing.

In addition, NMFS has partnered with the USCG to conduct needs assessment surveys in West Africa. In the spring of 2008, the USCG followed the Africa Partnership Station initiative with efforts to assess countries' legislative needs relating to fisheries and maritime security, using a questionnaire developed in collaboration with NMFS. Also in conjunction with the Africa Partnership Station initiative, in June 2008 an ad hoc one-time bilateral agreement was used to embark a 6-person Cape Verde Coast Guard Law

Enforcement Detachment aboard USCG Cutter DALLAS for a 12-day multi-mission law enforcement patrol of the Cape Verde EEZ, described in greater detail in the section on International Monitoring and Compliance, above. NMFS is also collaborating with the USCG's International Training Division to conduct Pre-Training Surveys in Cape Verde and Gabon to help assess and design future fisheries-based training activities. The reports and analyses of these engagements are expected in early 2009.

In December of 2007, NMFS participated in a workshop entitled A Regional Dialogue for Fisheries Policy Coherence in West Africa. The workshop was organized by the OECD, WWF, and the Sub Regional Fisheries Commission in West Africa. The discussions focused on making progress on MCS activities and programs aimed at addressing IUU fishing. Other priority issues included sustainable management of living marine resources using an ecosystem based approach and harmonization of minimum conditions for access to fishery resources by foreign nationals. NMFS is planning to engage with the follow-up committee that arose out of this workshop to organize a regional MCS workshop in early 2009. In addition, \$55,000 in FY 2008 MSRA funds has been provided to the Sub-Regional Fisheries Commission for an upcoming enforcement operation in West Africa.

Asia and South Pacific. In Asia and the South Pacific, NMFS is also supporting improved fisheries management and enforcement. Programs include:

- Support for an Asia-Pacific Economic Cooperation (APEC) workshop aimed at improving shark conservation and management (\$40,000 in FY 2008 MSRA funds);
- Work with SPREP to convene national Cetacean stranding workshops and provide stranding kits (\$25,000 in FY 2007 funds);
- Work with the IUCN Grouper and Wrasse Group on a Regional Model for Sustainable Management of Humphead Wrasse (\$10,414 in FY 2006 funds);
- Work with the South Pacific Regional Environment Program (SPREP) on the development and editing of proceedings of a workshop and training materials on Cetacean Management Training in the Pacific Islands (\$20,000 in FY 2006 funds); and
- Cooperation since 2000 between the NMFS Northeast Fisheries Science Center and Korean scientists in the areas of resource assessment and management, fisheries management policy, stock rebuilding plans, salmon enhancement, bycatch and discards reduction research, and the effects of fishing on sea floor ecosystems.

Other Regions. NMFS scientists and managers also cooperate with officials in other regions in the interest of improving fisheries conservation and management internationally. A few examples outside the regional programs discussed above are noted here. For example, NMFS has three Memoranda of Understanding with the Government of Norway. Two are with the Norwegian Institute of Marine Research (one involving the Northeast Fisheries Science Center and one the Alaska Fisheries Science Center) under which work is conducted on catch and bycatch estimation, comparative ecosystem

studies, and developments in advanced technology. On October 1, 2008, NMFS concluded a new, broader and higher-level MOU on cooperation on fisheries issues with the Ministry of Fisheries and Coastal Affairs of Norway. The new Memorandum expands cooperation between NMFS and Norway to include any matter related to fisheries, other living marine resources, and their ecosystems. NMFS scientists also conducted a cooperative project with Germany in 2008 involving workshops on small cetacean population structure and the genetics and population structure of the harbor porpoise in the Baltic Sea.

International Organizations and RFMOs. In addition, NMFS has engaged directly in international cooperation and assistance activities with and through international organizations and RFMOs. In FY 2008, NMFS:

- Provided financial support to the FAO for technical consultations to draft International Guidelines for the Management of Deep-Sea Fisheries on the High Seas (\$25,000 in MSRA funds);
- Provided financial support to the FAO for technical consultations to draft a legally-binding Instrument on Port State Measures to Prevent and Deter IUU Fishing (\$30,000);
- Provided funding to the FAO for development of a data collection program that can capture and store data on environmental, gear performance and catch information for all gear types, platforms and operations, in order to improve MCS and RFMO effectiveness (\$20,000 in MSRA funds);
- Contributed to the ICCAT voluntary data fund used primarily to assist scientists from developing States to attend relevant scientific meetings and for improvement of data collection projects (\$10,000 in FY 2008 MSRA funds).

FY 2008 MSRA funds have also been allocated for additional international institutional projects, including:

- \$30,000 to FAO for global work on port State measures to address IUU fishing;
- \$20,000 to OECD for a global workshop on monitoring, control, and surveillance;
- \$20,000 to CITES for a global Non-Detriment Finding workshop to address IUU fishing;
- \$25,000 to ICCAT for improved monitoring, control, and surveillance in the Caribbean and Latin America, plus \$10,000 to ICCAT for monitoring, control, and surveillance in the Atlantic.

C. Observer Program Outreach and Assistance

In furtherance of the international monitoring and compliance objectives of Section 401 of the MSRA as well as its requirements in Section 608 of the amended Moratorium Protection Act concerning increased use of observers and technologies to monitor compliance with conservation and management measures, NMFS has provided program

outreach and assistance with regard to development and operation of effective fisheries observer programs.

In FY 2008, observer programs conducted by NMFS included support for:

- A two-week joint United States – Ghana marine observer training in Tema, Ghana on board the U.S. Navy HSV2 Swift in March-April 2008, which provided 36 students and other guests (including the Director of Fisheries of Ghana) with training in identification and recording of fish and other marine species, collection of tissue samples, safety at sea, communications equipment, and vessel protocol;
- Collection of data by observers in ICCAT member countries from West Africa, the Caribbean and Latin America (\$5,000 in FY 2008 MSRA funds);
- Technical assistance to the WCPFC for the observer training programs that fall under WCPFC jurisdiction (\$30,000 in FY 2008 MSRA funds);
- Observer training in the Solomon Islands in May of 2008, which provided 16 observers (including 4 new observers) with experience in using key features to identify sea turtles, as well as demonstrations and hands-on practice in using dehooking tools;
- A four-week observer training in the PNG in February-March 2008, which helped PNG address its domestic responsibilities as well as its obligations to the WCPFC and the FFA in areas such as sea turtle handling and de-hooking and marine mammal ID presentations on dolphins, black fish and whales;
- Observer training in Palau in July 2008, which was attended by four observers from the Federated States of Micronesia and six from Palau;
- Several additional sub-regional observer training courses in 2008 in PNG and Vanuatu, Fiji or Tonga, as well as a number of sub-regional trainings projected for consideration in 2009, and training for the Marshall Islands' national observer program;
- Provision of safety equipment to the FFA for observers to use in the southern and western Pacific;
- Support for observer training activities in West Africa, including observer training (\$40,000 in FY 2008 MSRA funds);
- Attendance by three West African regional observer program managers at the International Fisheries Observer Conference in July 2009 (\$15,000 in FY 2008 MSRA funds);
- Translation of Marine Mammal & Turtles of the U.S. Atlantic and Gulf of Mexico from English to French (\$10,000 in FY 2008 MSRA funds); and
- Dissemination of bycatch information, including \$6,000 in FY 2008 MSRA funds for printing, lamination, and translation of the Sea Turtle and Marine Mammal Identification placards from English to French, \$14,000 for the purchase of two types of turtle identification tags and two all-terrain vehicles to support ongoing turtle research in Ghana, and an additional \$2,000 to augment the purchase of a generator and freezer for specimen storage and electrical backup for remote regions.

In the FY 2006-2007 timeframe, observer trainings included:

- Collaboration by NOAA's National Observer Program with a visiting scientist from Taiwan to design a new improved observer program for Taiwan, including a meeting with Taiwanese fisheries managers concerning their observer program, which is expected to represent the first step towards long term cooperation;
- Collaboration with Ghana to provide scientific and sampling equipment for the Ghana fisheries observer program involving transport of supplies on board the U.S. Naval vessel, Ft. McHenry;
- Provision by NOAA's North West Fisheries Science Center of information to Chilean scientists on vessel selection for fishery observers, data collection methodologies, data storage, techniques for ensuring data quality, training and other relevant information, as well as information on the current use of Electronic monitoring in the shoreside hake fishery;
- Collaboration between the South East Fisheries Science Center, the Panama City Laboratory, and Pro-Delphinus-Peru with regard to shark bycatch in pelagic longline and artisanal fisheries off Peru, including provision of examples of observer data forms and observer manuals to give guidance in data collection and training for at-sea observers;
- Provision by the Alaska Fisheries Science Center of a three-week training class to a Kenyan scientist, including provision of training supplies;
- Provision of training materials to the Pacific Scientific Research Centre's Laboratory of Applied Biotechnology in Russia by the Alaska Fisheries Science Center;
- Collaboration between the Alaska Fisheries Science Center and Korea on observer deployment and alternative sampling methodologies;
- Provision of a mini-observer training for two Chilean scientists at the Alaska Fisheries Science Center;
- Provision of support to the WCPFC in 2006 for the development of the Commission's Regional Observer Program (\$99,000);
- Assistance by the NMFS Observer Program to the FFA and the Secretariat of the Pacific Community (SPC) with regional observer trainings in the areas of marine mammal identification and sea turtle de-hooking practices, including trainings for observers in Papua New Guinea, Solomon Islands, Palau, FSM, and Spain; and
- Assistance to observer programs across the globe in addressing a wide range of identified needs, such as training, data form development, and programmatic policies; training and/or observer materials have been provided to the Republic of the Marshall Islands, Ghana, Spain, Papua New Guinea and the Solomon Islands.

D. Assistance with Bycatch Issues

In addition to the programs referenced above, NMFS has provided substantial training, technical, and research assistance with regard to bycatch of sea turtles, seabirds and marine mammals.

Sea Turtles. NMFS works to reduce sea turtle bycatch in domestic and international fisheries through collaborative research programs and coordinated education and recovery efforts in partnership with RFMOs and other international bodies, governments, universities, private institutions, and local communities in relevant areas throughout the world. Among these activities, NMFS conducts joint research and holds workshops for fishers and fisheries managers on sea turtle handling, release, and resuscitation methods; sea turtle biology and species identification; and measures to mitigate sea turtle interactions.

In FY 2006 through 2008, NMFS funded and/or held numerous training and other cooperative programs regarding the protection and conservation of sea turtles, including the following:

- Circle hook experiments and bycatch reduction training to protect endangered Pacific leatherback turtles in the Chilean shallow set longline fishery targeting swordfish that is exported to the United States (\$39,000 in FY 2008 MSRA funds);
- Workshops in Costa Rica, Ecuador and Peru in 2006 on the use of circle hooks, dehookers and line cutters in artisanal and industrial longline fisheries and on safe release techniques, in cooperation with IATTC (\$15,000);
- Work with Spanish field trials assisting with tests of bait type with regard to sea turtle capture rates, including planned future work to test circle hooks in a Spanish swordfish fishery (\$30,000 for future field trials of circle hooks);
- Workshops on the use of circle hooks, dehookers and line cutters in artisanal and industrial longline fisheries in Morocco, in cooperation with the Universite Abdelmalek Essaadi, Department of Biology. (Because Morocco's drift gill net fishery is changing to pelagic longline fishing, these were designed to teach techniques with sea turtle mitigation gear and circle hooks to ensure both the viability of the new fishery as well as protection for endangered and threatened sea turtles);
- Collaboration with WWF to test the use of circle hooks in Indonesia, Philippines, and Vietnam ((\$99,000);
- Program to raise awareness of sea turtle conservation and to provide training on the use of line-cutters and dehookers, aimed at increasing turtle survivorship and post release in Fiji and the Cook Islands (\$97,000);
- Tests of a wire appendage added to a hook in a number of longline fisheries in the Eastern Tropical Pacific;
- Assistance to Vietnam for sea turtle observers and dehooking efforts (\$31,000 in 2007 and \$70,000 in 2008 funds);
- Provision of laminated cards with sea turtle ID and handling guidelines and a sea turtle safe handling video to numerous countries, including Brazil, Spain, Mexico, Uruguay, Italy, Costa Rica, Indonesia (the guidelines have been translated into Spanish and Vietnamese);
- Cooperative research with fishermen in the Azores, coordinated by the University of the Azores, to assess post-hooking mortality (approximately \$200,000 in FY 2006, 2007 and 2008 funds for tags, satellite time and travel);

- Assistance for research to reduce sea turtle bycatch in longline fisheries, coordinating field trials in Costa Rica, Brazil, Uruguay, Indonesia, and Italy, including provision of satellite tags to Costa Rica, Brazilian and Uruguayan longline observers to investigate the post-hooking survivorship of turtles after their release from fishing gear (\$80,000 for field trials and tagging work in Brazil, Uruguay and Italy);
- Bycatch mitigation and gear modification experiments testing experimental gillnet designs to reduce leatherback turtle entanglements in the gillnet fishery in Trinidad and Tobago (\$42,000 in FY 2008 MSRA funds), following up on a pilot study done in 2006 and 2007 with the Wider Caribbean Sea Turtle Conservation Network and the Trinidad and Tobago Ministry of Fisheries (French Guyana and Gabon have expressed interest in future collaboration with NMFS on similar gillnet projects);
- Sea turtle handling and resuscitation workshops in Peru (\$34,000 in MSRA funds);
- A 2006 leatherback turtle research program in the Dominican Republic;
- Training for Korean and Japanese representatives in sea turtle handling protocols used by NMFS observers;
- Work with Korean fisheries scientists on statistical analysis of data gained from bycatch reduction experiments;
- Follow-up to the International Marine Mammal MPA Conference (\$20,00 in MSRA funds);
- Bycatch reduction projects in El Salvador (\$20,000 in MSRA funds), Colombia (\$40,000, MSRA funds), and Chile (\$20,000, MSRA funds).
- Tests of shark shapes and light sticks to determine the potential utility of either with regard to minimizing the interaction rates of sea turtles in fisheries, with the Aquatic Adventures Science Education Foundation in Baja California, Mexico (in total, approximately \$40,000); and
- Support for research and monitoring activities in places such as Indonesia, Solomon Islands, Papua New Guinea, and Japan and Mexico that are nesting homes to leatherback and loggerhead sea turtles that migrate across the Pacific in order to promote nesting beach conservation.

Working with the Department of State, NMFS has also conducted numerous programs in FY 2006-2008 involving technology transfer and training for the protection and conservation of sea turtles, including the following:

- Sea turtle conservation, mitigation and management in Mexico, Malaysia, Indonesia, Palau, Vanuatu, the Marshall Islands, Micronesia and New Caledonia, for which more than \$800,000 in financial assistance funds were committed;
- Programs for sea turtle tagging and mitigation of bycatch in Micronesia, Papua New Guinea, the Solomon Islands and the Marshall Islands (more than \$300,000);
- Programs for TEDs observers in Chile and Peru, for which \$129,000 was committed;
- Turtle Excluder Device (TED) training in Gabon (\$39,000 in FY 2008 MSRA funds);

- Technology transfer regarding TEDs in Brazil, Costa Rica, Colombia, Ecuador, Madagascar, Mozambique, Mexico, Nicaragua, Panama, Venezuela, El Salvador, Gabon, Guatemala, Guyana, Malaysia, and Nigeria (over \$80,000);
- Transfer of sea turtle mitigation technology for Costa Rica, Ecuador, Spain, Canada, Mexico, Peru, Italy, Uruguay, and Venezuela (over \$250,000);
- Provision of hooks designed to reduce sea turtle bycatch to Indonesia and throughout Latin America.

Each year, NMFS, works with the Department of State to provide training in the use of TEDs worldwide in support of the requirement in P.L. 101-162 that nations wishing to import shrimp into the United States adopt and employ sea turtle protection programs comparable to those of the United States for their shrimp fisheries. Government agencies involved in TEDs compliance inspections receive training in conducting such inspections. The following countries have received TEDs training in support of P.L. 101-162 since 2005: Mexico, Belize, Guatemala, El Salvador, Honduras, Nicaragua, Panama, Colombia, Ecuador, Venezuela, Suriname, Guyana, Brazil, Nigeria, Mozambique, Madagascar and Australia. In 2008, as part of the AID-funded CAFTA initiative described above, NMFS conducted “Better TEDs Workshops” in Central America to showcase new TED technologies to improve TED performance.

Seabirds. NMFS promotes seabird conservation by assisting other nations and relevant international bodies to address priority seabird issues. In FY 2008, NMFS provided \$24,000 of MSRA support for reduction of seabird bycatch in Russia, specifically in the Kamchatka/Bering Sea Ecoregion, the Western Bering Sea, Eastern Sea of Okhotsk, and the Pacific Coast of Kamchatka. NMFS also provided \$8,000 in MSRA funds to reduce seabird bycatch of waved and other albatross along the Peruvian coast. These programs build on previous support for seabird bycatch mitigation provided to both Russia and Peru in the 2005-2006 time-frames. An additional \$4,000 in MSRA funds were provided to ensure that seabird bycatch experts were present at the ICCAT Scientific Committee meeting to discuss seabird assessment and bycatch issues. NMFS is also supporting a project carried out by the University of California, Santa Cruz, to provide IATTC member nations with information on the risk of longline fisheries to albatross species within the IATTC Convention Area, with particular focus on those breeding on Guadalupe Island, Mexico.

In 2007, NMFS provided financial support for two new initiatives. One involved an ecological risk assessment conducted by BirdLife International for use by ICCAT in the assessment of its fisheries’ impacts on seabird populations (\$21,000) with the goal of reducing adverse impacts to Atlantic seabird species presented by ICCAT fishing gear, particularly longline gear. The second provided assistance to the FAO BirdLife Workshop for the development of technical guidelines for NPOA-Seabirds (\$12,000).

Other Bycatch Programs. In FY 2008, \$62,000 in MSRA funds have been allocated to ICCAT for the ICCAT Bycatch Coordinator to address bycatch issues in the tuna fisheries in the Caribbean.

In FY 2008, NMFS is supporting a program to address “ghost nets” (abandoned driftnets) in the North Pacific, which continue to cause problems for living marine resources in the area (\$14,000 in MSRA funds). NMFS is also working in partnership with the IPHC to reduce Elasmobranch bycatch in demersal longlines, through testing the catch of target and nontarget species with and without rare earth metal deterrents attached above baited circle hooks (\$40,500).

To address concerns by scientists and conservationists about recent live-captures and exports of Indo-Pacific bottlenose dolphins from the Solomon Islands, NMFS assisted in supporting a workshop, organized and conducted under the auspices of the IUCN Cetacean Specialist Group, in the Samoa in August 2008. The workshop was attended by scientists and managers from Fiji, New Caledonia, Canada, United States, Solomon Islands, New Zealand, Samoa and the United Kingdom. NMFS also provided case studies to ensure that Indo-Pacific bottlenose dolphins, queen conch, and humphead wrasse are addressed by a CITES workshop on sustainable trade in November of 2008.

In recent years, NMFS has supported programs concerning shark conservation and bycatch in Brazil and Peru; a program on shrimp bycatch reduction in Australia; and a program concerning data collection on sawfish populations in Kenya. NMFS co-sponsored the Second, Third and Fourth International Fishers Forums in Honolulu, Japan, and Costa Rica in 2005-2007, and provided funding to support the attendance of fisheries officials from El Salvador, Panama, Mexico, Nicaragua, and Peru at the Fourth Forum (IFF4) in Costa Rica in November of 2007. IFF4 continued the focus of previous Forums on addressing the incidental capture of seabirds and sea turtles in longline fisheries. It also addressed bycatch management of two additional species groups – sharks and cetaceans. The aim of IFF4 was to motivate fishers and industry to recognize and find effective and practical ways to address bycatch issues and to promote responsible longline fisheries.

Cooperative Research Activities related to Bycatch. NMFS is also actively pursuing cooperative research and scientific activities related to bycatch. Based on priorities that emerged from a 2007 Expert Workshop on Longline Bycatch Reduction convened by NMFS, NMFS is conducting a deep-set circle hook experiment to compare target catch retention rates for bigeye tuna using J-hooks and large circle hooks. The study will be carried out with an ICCAT member country or cooperating non-Party, and the results will be presented to the ICCAT Standing Committee on Research and Statistics.

The NMFS Northeast Fisheries Science Center is working with the ICES Study Group for Bycatch of Protected Species on issues such as bycatch measurement and mitigation of protected species groups. NMFS scientists also work with the ICES Working Group on Marine Mammal Ecology and the Working Group on Fishing Technology and Fish Behavior.

The Northeast Fisheries Science Center is working with the British Sea Mammal Research Unit on methods for bycatch reduction in trawl fisheries. Both the Northeast Fisheries Science Center and the Northwest Fisheries Science Center work with Canadian

scientists on issues such as designing and testing of TEDs in trawl nets and cooperative research on development of methods to reduce harbor porpoise and turtle bycatch in commercial fisheries. In addition, the Southeast Fisheries Science Center has provided sea turtle release protocol training for Canada. The Northeast Fisheries Science Center is also a member of an international working group administered by the North Eastern Aquarium that seeks to investigate methods to mitigate cetacean and sea turtle bycatch in gillnets.

NOAA's Southeast Fisheries Science Center has conducted a number of cooperative programs with Latin American and Central American nations concerning various bycatch issues. In 2008, the Southeast Fisheries Science Center studied pelagic billfish activity in collaboration with Brazil, Venezuela and Uruguay, and also worked with Uruguay to incorporate Uruguay's pelagic longline science observer program information into an Ecological Risk Assessment for pelagic sharks, in the context of ICCAT. Cooperative shark research was conducted with Belize in 2008. In 2007, the Center cooperated with Australia on an evaluation of Australian TEDs for the scallop fishery. In 2006, NMFS conducted three programs with Brazil concerning bycatch of the franciscana dolphin in southern Brazil, investigation of the interaction of istiophorid billfishes with pelagic longline fisheries in the western equatorial Atlantic, and research on pelagic sharks in the northern and southern Atlantic Ocean with a Brazilian university.

The Southeast Fisheries Science Center held a meeting in the Seychelles in 2008 to help identify and elaborate an option for international cooperation on migratory sharks under the Convention on Migratory Species. The Center is also working to develop a sailfish CPUE database for Senegal, and conducted a billfish tagging program for Senegal in 2006.

The NMFS Pacific Island Fisheries Science Center (PIFSC) supports operational and scientific activities of the WCPFC, the IATTC, the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific (ISC), and the ISC Billfish Working Group and ISC Bycatch Working Group. In addition, PIFSC staff currently chair the scientific working group associated with negotiations for a new arrangement concerning deepwater trawling in the North Pacific. The PIFSC also has cooperative research agreements with the Fisheries Research Institute, Council of Agriculture of Taiwan, and the National Research Institute of Far Seas Fisheries in Japan. PIFSC further supports and participates in cooperative research at several foreign academic institutions, including National Taiwan University, the University of British Columbia, and Shanghai Ocean University.

Sea Grant Involvement. NOAA's Sea Grant Program has been involved in a number of assistance and cooperative research programs concerning bycatch, observers, and sustainable fisheries. These include, among many others:

- Participation by representatives of the Alaska Sea Grant Program in the Joint US-Ghana Fishery Observer training in 2008;

- Participation of the Connecticut Sea Grant Program in the development of technical guidelines for the responsible use of wild fish and fishery resources for capture-based aquaculture production, as part of a project to enhance the International Code of Conduct for Responsible Fisheries;
- Development by the Rhode Island Sea Grant Program of a guide for USAID in-country staff to assist with fisheries project selection, evaluation, and program development in 2007 and 2008;
- A 2008 assessment of fisheries in Tanzania by the Rhode Island Sea Grant Program as part of a larger USAID project, the Tanzania Coastal Management Partnership, to assist Tanzania in moving toward a sustainable trawl fishery that will reduce marine turtle mortality and finfish bycatch;
- Participation of Sea Grant and the Massachusetts Institute of Technology (MIT) in the development of a reduced-impact scallop dredge, with international partners in 2006;
- Participation of the Connecticut Sea Grant Program in a project for capture fisheries reform to address weak governance and excessive fishing capacity in the Philippines in 2007-2008; and
- Participation of the Sea Grant Program at the University of Washington in a number of projects, including a 2006 workshop on Seabird Bycatch Mitigation in Pelagic Longline Fisheries in Tasmania; several international seabird bycatch working groups in CCAMLR, ACAP, and the ESA-Short-Tailed Albatross Recovery Team; a program to optimize streamer lines to prevent seabird mortality in pelagic longline fisheries in 2006-2010 (involving New Zealand, South Africa, Chile and Brazil); and the Birdlife International Albatross Task Force Training scheduled for 2009 in Chile.

IX. Identification under Sections 609(a) and 610(a)

A. Statutory Requirements and Restrictions

Section 403 of the MSRA amends the Moratorium Protection Act, adding a requirement that the Secretary identify nations whose vessels are engaged in IUU fishing and/or PLMR bycatch. The identification process and decisions, in turn, are based on detailed requirements for identification set forth in the act, as well as applicable statutory definitions. These provisions delineate the information relevant to identification decisions, as well as the standards that must be met.

IUU. As amended by the MSRA, Section 607 of the Moratorium Protection Act requires the Secretary of Commerce to submit a report to Congress, by not later than two years after the date of enactment of the MSRA and every two years thereafter, a report that, *inter alia*, lists nations whose vessels have been identified as having fishing vessels engaged in IUU fishing pursuant to Section 609(a) of the Moratorium Protection Act. Section 609(a), in turn, provides that the Secretary shall identify a nation with regard to IUU fishing if:

“ fishing vessels of that nation are engaged or have been engaged at any point during the preceding two years in IUU fishing --

- (1) the relevant international fishery management organization has failed to implement effective measures to end the illegal, unreported, or unregulated fishing activity by vessels of that nation or the nation is not a party to, or does not maintain cooperating status with, such organization; or
- (2) where no international fishery management organization exists with a mandate to regulate the fishing activity in question.”

The Act also defines IUU fishing, a definition that has been adopted by NMFS for purposes of implementation (72 Fed. Reg. 18404, April 12, 2007):

- “(A) fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and bycatch reduction requirements;
- (B) overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and
- (C) fishing activity that has an adverse impact on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.”

As section 609(a) refers to activities of “vessels”, for purposes of identification for IUU fishing activities, a nation must have more than one vessel engaged in IUU fishing activities during the relevant time period for consideration, which is the “preceding two years” from submission of the biennial report to Congress. Information concerning activities outside that time period cannot form the basis for an identification decision. In this first identification report, NMFS is relying upon information related to vessels engaged in IUU fishing activities as the basis for identification of a nation. NMFS has concerns about other non-compliant activities, such as non-compliance with RFMO reporting and other requirements. However, it is not clear whether these actions (or failures to take required actions) appropriately can be the bases of identification because they may not reflect actions by specific vessels, as contemplated by the existing statutory language as a potential requirement for identification. We are, however, also including information about other non-compliant activities within this Report to Congress to demonstrate NMFS’s concerns about the extent of such violations. Current statutory provisions do not appear to allow for identification in the absence of some linkage to the activity of vessels.

It is also worth noting that any entity other than a “nation” cannot be identified for having vessels engaged in IUU fishing activity for purposes of the Moratorium Protection Act. Thus, fishing entities and other governance arrangements and institutions cannot be identified under this statute. Moreover, as noted above, IUU fishing is limited to fishing activities that violate conservation and management measures required under an

international fishery management agreement to which the United States is party; overfishing of stocks shared by the United States (which precludes stocks found solely within the EEZ of another nation) to which no international conservation or management measures apply, where the overfishing has adverse impacts on the stocks; or fishing activity with adverse impact on seamounts, hydrothermal vents, or cold water corals, to which no conservation and management measures apply. Activities that fall outside this definition, likewise, cannot form the basis of an identification decision.

PLMR Bycatch. As amended by the MSRA, Section 607 of the Moratorium Protection Act also requires that the biennial report to Congress list those nations whose vessels have been identified pursuant to Section 610(a) of the Moratorium Protection Act as having vessels engaged in fishing activities or practices that result in bycatch of PLMRs. Section 610(a) requires that the Secretary identify a nation for bycatch activities if:

“(1) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year in fishing activities or practices;

(A) in waters beyond any national jurisdiction that result in bycatch of a protected living marine resource, or

(B) beyond the exclusive economic zone of the United States that result in bycatch of a protected living marine resource shared by the United States;

(2) the relevant international organization for the conservation and protection of such resources or the relevant or regional fishery organization has failed to implement effective measures to end or reduce such bycatch, or the nation is not a party to, or does not maintain cooperating status with, such organization; and

(3) the nation has not adopted a regulatory program governing such fishing practices designed to end or reduce such bycatch that is comparable to that of the United States, taking into account different conditions.”

“Protected living marine resource” is defined by Section 610 (e) of the Moratorium Protection Act as:

“(1) non-target fish, sea turtles, or marine mammals that are protected under United States law or international agreement, including the Marine Mammal Protection Act, the Endangered Species Act, the Shark Finning Prohibition Act, and the Convention on International Trade in Endangered Species of Wild Flora and Fauna; but

(2) does not include species, except sharks, managed under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act, or any international fishery management agreement. “

Thus, identification of nations for bycatch activities can be based only on current activities of fishing vessels of that nation, or activities in which those vessels have been

engaged during the preceding calendar year from submission of the biennial report to Congress. Activities outside that timeframe cannot form the basis for identification. Likewise, the statute restricts action to activities that result in the bycatch of PLMRs, as defined under the Moratorium Protection Act, where the relevant international conservation organization has failed to implement effective measures to end or reduce such bycatch or the nation is not a party to or a cooperating partner with such organization; and the nation has not adopted a regulatory program governing such fishing practices that is comparable to that of the United States, taking into account different conditions. Bycatch activities that fail to meet these standards cannot form the basis for identification.

B. The Identification Process.

In preparation for the first identifications to be included in the biennial report to Congress, NMFS solicited information from the public, other nations, other U.S. government agencies, and international organizations regarding nations whose vessels are engaged in IUU fishing activity or PLMR bycatch. On March 21, 2008, NMFS published a notice in the Federal Register (73 Fed. Reg. 15136) requesting information on nations whose vessels are engaged, or have been engaged at any point during the two years preceding this biennial report, in IUU fishing. The notice also requested information on nations whose vessels are engaged, or have been engaged in the previous calendar year, in fishing activities either in waters beyond any national jurisdiction that result in bycatch of a PLMR, or beyond the U.S. EEZ that result in bycatch of a PLMR shared by the United States. This notice was circulated widely to constituents and discussed at relevant bilateral and multilateral meetings.

In response to the Federal Register notice, NMFS received reports, IUU vessel lists, peer-reviewed literature, and other information from individuals, nongovernmental organizations, and other nations. The information received focused mostly on alleged IUU fishing activity. Relatively little information was provided on PLMR bycatch. In addition to information gathered from the public, NMFS also solicited RFMO-originated information from NMFS staff. This information included RFMO IUU vessel lists, compliance reports, information on violations of conservation and management measures, and scientific reports. NMFS also reviewed solicited information on bycatch activities, including peer-reviewed literature, scientific reports, and information on cooperative scientific work, from its Regional Offices and Science Centers.

Timing of the alleged IUU fishing activities and PLMR bycatch was a key issue. Much of the information provided, particularly on PLMR bycatch, did not fall within the timeframes required in the Moratorium Protection Act for identification. The Act requires that identifications be based on PLMR bycatch information from the previous year, but bycatch information is rarely available for the previous year.

Another issue that arose concerned the geographic scope and nature of alleged IUU fishing and bycatch activities. In some cases, information was provided on fishing activities did not fall within the scope of IUU fishing or PLMR bycatch, as described

under the Moratorium Protection Act. For example, information was provided on the bycatch of species found solely within the EEZ of another nation that are not shared with the United States. Such activities do not qualify as PLMR bycatch for purposes of the Moratorium Protection Act.

All information received and collected was compiled, reviewed, and compared against the criteria and statutory requirements of the Moratorium Protection Act. At the conclusion of this process, NMFS analyzed the information and determined that ten nations were of interest to the United States for allegedly having vessels engaged in IUU fishing. Through diplomatic channels, in cooperation with the State Department, NMFS conducted outreach to these nations to provide them the opportunity to respond to any information presented and, if possible, refute allegations that their vessels were engaged in IUU fishing.

Upon further analysis and inquiry, several nations of interest are not identified in this report for a variety of reasons. In the case of one nation, Venezuela, two of its vessels were listed on the WCPFC IUU vessel list during 2007. One Venezuelan-flagged vessel (*Daniela F*) was listed for fishing without authorization and using prohibited fishing gear inside the French Polynesian EEZ in January and March 2007. Records also indicate that this vessel was fishing without authorization in the Kiribati EEZ in February and March 2007. The second Venezuelan-flagged vessel (*Athena F*), which was not authorized to fish in the WCPFC Convention Area, was listed for suspected illegal fishing in May 2007. At the 2008 WCPFC meeting, however, this vessel was removed from the WCPFC IUU vessel list at the request of the nation that requested its listing, the Cook Islands, raising uncertainty regarding whether the vessel had engaged in IUU fishing activity for purposes of identification. Because more than one vessel must be engaged in IUU fishing for purposes of identification, Venezuela is not identified in this report.

Additionally, according to the Venezuelan National Socialist Institute of Fishing and Agriculture (INSOPESCA), which is the body jointly responsible for vessel licensing and registration with the National Institute of Aquatic Sciences (INEA), they are currently attempting to assess the appropriate sanctions for vessels engaged in these activities. INSOPESCA reported that Venezuela is very interested in joining the WCPFC, so they fully understand the need to comply with its measures and are highly motivated to take appropriate punitive measures against illegal fishing. In March 2008, a new Fishing and Agriculture law was passed, which provides the basis for monitoring, control, and enforcement of the Venezuelan fishing fleet. According to INSOPESCA, they are seeking to determine how this law can be applied to take punitive actions against vessels found to be operating illegally in international waters.

In another instance, Equatorial Guinea was of interest because its vessels were allegedly listed on an RFMO IUU vessel list. Equatorial Guinea provided information refuting these allegations; therefore, it is not identified in this report as having vessels engaged in IUU fishing activity. With respect to this nation, the CCAMLR circulated to its members information indicated that a fishing vessel on the CCAMLR IUU vessel list flying the flag of Equatorial Guinea (*Golden Dragon*) was sighted illegally fishing inside the

CCAMLR Convention Area in April 2008 (CCAMLR COMM CIRC 08/60). CCAMLR circulated other information to its members indicating that a fishing vessel on the CCAMLR IUU vessel list flying the flag of Equatorial Guinea (*Tropic*) was sighted illegally fishing inside the CCAMLR Convention Area in January 2008 (CCAMLR COMM CIRC 08/5). According to the Minister of Foreign Affairs and the Minister of Fishing and Environment in Equatorial Guinea, all commercial international fishing licenses under the flag of Equatorial Guinea were annulled in May 2004, and no boats have been re-licensed for operation outside of Equatorial Guinea's EEZ. Therefore, any vessels flying the flag of Equatorial Guinea are doing so illegally. A decree authorizes other countries to seize any boats operating under the flag of Equatorial Guinea until those operators complete re-licensing requirements outlined in the decree. According to the Minister of Fishing and Environment, the decree and other documentation have been provided to international organizations. Such information was previously provided to ICCAT.

Notably, at the CCAMLR meeting in 2008, the United States offered a proposal, which was endorsed at the meeting, that the Commission request confirmation from the Government of Equatorial Guinea that it does not flag any fishing vessels to operate on the high seas; and pending receipt of such confirmation, request that the Government of Equatorial Guinea inform the parties to CCAMLR that any fishing vessel seen flying the flag of Equatorial Guinea in the CCAMLR Convention Area has no link with the Government of Equatorial Guinea and may treat such vessels as without nationality, in accordance with international law.

In the case of another nation, Spain, NMFS determined that the available information on alleged IUU fishing activity did not meet the threshold for identification at this time, because it was unclear that such activity was due to vessels' non-compliance. For example, there have been allegations that a part of the Spanish fleet was authorized to harvest small bluefin tuna (less than 30 kg) in the Mediterranean in excess of agreed international limits and contrary to ICCAT Recommendation 06-05, which restricts such harvests to the eastern Atlantic Ocean. There have also been reports by the World Wildlife Fund of misreporting of Spanish vessels' bluefin tuna catch and possible quota overruns in 2007.³⁸ In 2007, catch data for severely overfished eastern Atlantic and Mediterranean bluefin tuna by Spanish-flagged vessels were not provided every five days and on a monthly basis pursuant to ICCAT Recommendation 06-05. Spanish vessels' catch data were also not submitted by the European Commission in time for the June 2008 stock assessment of severely overfished eastern Atlantic and Mediterranean bluefin tuna conducted by ICCAT pursuant to ICCAT Recommendation 05-09, ICCAT Resolution 01-16, and the basic statistical and biological data information requirements for CPCs with fisheries of tuna and tuna-like species in the Convention area to implement Article IX of the Convention. It is unclear whether the failure to submit data to ICCAT can be attributed to lack of reporting by Spain or by the European Commission.

³⁸ Bluefin Tuna Bulletin #45, May 13, 2008; "Spanish government data reveal overshoot of Mediterranean tuna fishing quota" retrieved from http://www.panda.org/about_wwf/where_we_work/europe/what_we_do/mediterranean/about_marine/bluefin_tuna/bluefin_tuna_news/index.cfm?uNewsID=138764 on June 27, 2008.

With regard to allegations that the Government of Spain authorized the harvest of undersized bluefin tuna that exceeded an ICCAT-agreed limit and allowed this fishing to occur in the Mediterranean when the rules only allow directed fishing on undersized fish in the eastern Atlantic Ocean, Spain reported that the ICCAT measure contained transcription errors and that Spain was allowing this fishing consistent with its understanding of what was intended by the relevant measure. The Government also disputed allegations that Spain had exceeded its 2007 bluefin tuna quota. According to the Government of Spain, management measures have been adopted to control the bluefin tuna fishery, including implementation of individual vessel quotas on all sectors of its fleet.

For these reasons, Spain is not identified in this report as having vessels engaged in IUU fishing activity. NMFS will, however, continue to communicate with Spain regarding any efforts to address these activities.

Indonesia is not identified in this report, because its vessels were listed on an RFMO list for IUU fishing activity in 2005. For purposes of identification, the IUU fishing activity occurred outside the relevant time period for consideration.

According to the Ministry of Marine Affairs and Fisheries (MMAF) in Indonesia, several letters of reprimand have been sent to the owners of the listed fishing vessels, demanding an explanation, and meetings were held with the vessel owners. Responses received acknowledged the IUU activity but pled ignorance of the rules for high seas fishing. According to MMAF, a consultation meeting was held between representatives of the Indonesian government and the Indonesia Tuna Association in September 2007 to clarify these issues.

The MMAF confirmed that seven of the twelve fishing vessels are still operating and are registered in their national licensing database. According to MMAF, a letter was issued on October 10, 2008 warning these vessel owners that their licenses would be revoked immediately if they operate in the IATTC Convention area again. The remaining five vessels are no longer active and have been delisted from the database.

Indonesia asserts that they have regulations and control mechanisms in place to verify that Indonesian-flagged vessels operate in accordance with RFMO conservation and management measures. However, they admitted challenges with respect to effective implementation of these measures. The Indonesian Government cited inadequate inspectors and staff as an obstacle to effectively monitoring and controlling their fishing fleet due to its vast range. They expressed a strong interest in improving their capacity for monitoring, control, and enforcement as they become a member of RFMOs and are committed to these efforts. They welcomed any assistance the U.S. Government can provide.

With regard to nations whose vessels are engaged in PLMR bycatch, NMFS sought to identify nations whose vessels have engaged in PLMR bycatch. However, the available

information did not support identification under the Moratorium Protection Act. As noted above, much of the information on bycatch does not include activities during the preceding calendar year. Even for U.S. PLMR stocks, the most recent data available usually is at least two or three years old (e.g., see NMFS marine mammal stock assessments). Further, estimated annual bycatch rates for some PLMR species vary substantially between years. Therefore the accepted practice is to estimate bycatch rates based on data from several years. In this regard, it is difficult to collect the data necessary to estimate PLMR bycatch rates accurately. Generally, such data must be collected by placing independent observers on fishing vessels and implementing effective observer programs can be logistically challenging and expensive. To address this issue, NMFS is actively engaged in providing training and other assistance to developing nations to foster the development and implementation of effective observer programs (see Section VIII. C of this report).

C. Identification Decisions.

1. IUU Activities.

Identifications for IUU activities covered by parts (A) and (B) of the definition of IUU.

In accordance with the requirements described above, NMFS is identifying the following nations under Section 609(a) of the Moratorium Protection Act for having vessels engaged in IUU fishing activity:

- France
- Italy
- Libya
- Panama
- People's Republic of China
- Tunisia

Below is information on the IUU fishing activity of vessels that support identification under Section 609(a) of the Moratorium Protection Act. In addition to vessel-specific activities that formed the bases for identification, information on other non-compliant activities has been included. Under the current statutory language, it is not clear whether these activities could appropriately form the bases of identifications under the Moratorium Protection Act. NMFS will continue to consider what is appropriate under the statute for use in future identifications. Specifically, information was provided below on lack of data reporting and failure to implement statistical documentation programs, in violation of conservation and management measures that have been adopted by RFMOs to which the United States is a party.

France

Bases for Identification

With respect to France, several of its vessels were engaged in fishing activities that violated conservation and management measures of ICCAT during calendar years 2007 and/or 2008. At a hearing in the Fisheries Committee of the European Parliament, 81 French vessels were reported to be fishing for bluefin tuna with driftnets contrary to ICCAT Recommendation 03-04, which prohibits the use of driftnets for fisheries of large pelagic stocks in the Mediterranean Sea. As a result, the European Commission launched an infringement procedure against France in the European Court of Justice on June 28, 2007, for compliance violations.

According to a press release by the European Commission dated June 20, 2008, announcing the early closure of the European Commission purse seine fishery on June 23 for most member States, eight French purse seine vessels had spent up to 21 days fishing since the start of the season, but had not declared any catches, in violation of ICCAT Recommendation 06-05. Notably, this information was included in a document created by Canada in preparation for the 2008 ICCAT meeting. The document was circulated a month prior to and again at the 2008 ICCAT meeting and affected nations were given an opportunity to respond to the information. (*See* COC 318/2008) No response was provided to this information.

Additionally, according to the press release referenced above, there were significant discrepancies in the French catch data such that as of the date of the press release, half the French fleet had not reported any catches while the other half declared catching over 90% of their individual quotas, even though all the vessels showed similar activity rates.³⁹ The implication is that half of the French fleet failed to report catches in violation of ICCAT Recommendation 06-05.

Other Information

In 2007, catch data for severely overfished eastern Atlantic and Mediterranean bluefin tuna by French-flagged vessels were not provided every five days and on a monthly basis pursuant to ICCAT Recommendation 06-05. Also, French vessels' catch data were not submitted in time for the June 2008 stock assessment of eastern Atlantic and Mediterranean bluefin tuna conducted by ICCAT pursuant to ICCAT Recommendation 05-09, ICCAT Resolution 01-16, and the basic statistical and biological data information requirements for CPCs with fisheries of tuna and tuna-like species in the Convention area to implement Article IX of the Convention. It is worthwhile to note that it is the responsibility of the European Commission to submit data to ICCAT on behalf of France. It is unclear whether the failure to submit data to ICCAT can be attributed to lack of reporting by France or by the European Commission.⁴⁰

³⁹ Press Statement from EC Commissioner Joe Borg. Retrieved from http://ec.europa.eu/fisheries/press_corner/press_releases/2008/com08_47_en.htm on June 20, 2008.

⁴⁰ According to France, steps have been taken to address the IUU activity described in this report, including the promulgation of regulations to address such activity. These include measures to permit fishing vessels; allocations of quota by sector and/or vessel; regulations against "thonaille" net gear; new real-time, automated data collection for quota compliance; and others that generally are in response to

Italy

Bases for Identification

Several Italian-flagged vessels were engaged in fishing activities that violated conservation and management measures of ICCAT during calendar years 2007 and/or 2008. On May 7, 2008, the Greenpeace vessel *Arctic Sunrise* encountered the Italian fishing vessel *Diomede II* fishing with driftnet off of Sicily contrary to ICCAT Recommendation 03-04, which prohibits the use of driftnets for fisheries of large pelagic stocks in the Mediterranean Sea. . The *Arctic Sunrise* documented approximately 2 km of netting containing undersized bluefin tuna and a small sea turtle, which was later released alive. Greenpeace has film footage of the encounter on its international website.⁴¹

According to a report by Greenpeace, on June 14, 2007, one Italian purse seine vessel (*Luca Maria*) observed and documented on Mediterranean bluefin tuna fishing grounds was not included on the ICCAT Register of Fishing Vessels licensed to fish for bluefin tuna, contrary to ICCAT Recommendation 06-05. In addition, the report includes photographic evidence of three Italian-flagged purse seine vessels (*Ligny Primo*, *Maria Antoinetta*, and the *Luca Maria*) surrounded by four spotter planes (three American and one Italian) during the 2007 fishing season for eastern Atlantic and Mediterranean bluefin tuna.⁴² The use of spotter planes in support of bluefin tunas operations is contrary to the spotter plane prohibition in ICCAT Recommendation 06-05. Notably, this information was included in a document created by Canada in preparation for the 2008 ICCAT meeting. The document was circulated a month prior to the meeting and affected nations were given an opportunity to respond. The document was also distributed at the 2008 ICCAT meeting, during which ICCAT members were given an opportunity to respond to the information. (See COC 318/2008) No response was provided to this information.

According to a press release by the European Commission dated June 20, 2008, eight Italian purse seine vessels exceeded their quota by between 100 percent and 240 percent

requirements under ICCAT recommendations. These measures were put in place in 2007 and 2008. Many of these measures were in place when the alleged activities occurred, e.g. non-reporting by individual vessels as well as ICCAT data.

With respect to its failure to report catch data on time, according to the French Ministry of Agriculture and Fisheries, France provides reports to the EC and it is the responsibility of the EC to provide catch data to ICCAT on behalf of its member states.

Regarding the illegal use of driftnets by French fishing vessels, the French Ministry of Agriculture and Fisheries stated that the French Government has enforced an EU ban on fishing nets in the Mediterranean. As a result, the French determined that six French boats violated this ban and punitive actions were taken.

⁴¹ See <http://www.greenpeace.org/international/news/fishing-out-the-pirates>.

⁴² *Pirate Booty: How ICCAT is Failing to Curb IUU Fishing* (2007), pages 37-39.

in violation of ICCAT Recommendation 06-05.⁴³ This information was included in the Canadian document described above. No response was provided to this information.

Other Information

In 2007, catch data for severely overfished eastern Atlantic and Mediterranean bluefin tuna by Italian-flagged vessels were not provided to ICCAT by the European Commission every five days and on a monthly basis as required by ICCAT Recommendation 06-05. Also, Italian vessels' catch data were not submitted in time for the June 2008 stock assessment of eastern Atlantic and Mediterranean bluefin tuna conducted by ICCAT pursuant to ICCAT Recommendation 05-09, ICCAT Resolution 01-16, and the basic statistical and biological data information requirements for CPCs with fisheries of tuna and tuna-like species in the Convention area to implement Article IX of the Convention. As noted with respect to France, it is the responsibility of the European Commission to submit data to ICCAT on behalf of Italy. It is unclear whether the failure to submit data to ICCAT should be attributed to lack of reporting by Italy or by the European Commission.⁴⁴

Libya

Bases for Identification

⁴³ Press Statement from EC Commissioner Joe Borg. Retrieved from http://ec.europa.eu/fisheries/press_corner/press_releases/2008/com08_47_en.htm on June 20, 2008.

⁴⁴ According to the Government of Italy, the Fisheries Directorate requires fishers to report their catch data to the Directorate every five days by e-mail, mail, or fax. Fishing log book data are collected by the port authorities, who then send the data to the Fisheries Directorate. The Government of Italy asserts that the Fisheries Directorate combines this information with information on tuna traps and recreational fishing and sends this information to the EC on the fifteenth of every month. They claim that they were not aware that the EC failed to submit Italy's catch data to ICCAT in a timely way.

With respect to the alleged driftnet activity of the *Diomede II*, the Italian Government stated that on May 8, the day following the sighting by the Greenpeace vessel the Messina Coast Guard formally cited this vessel for using 2.8 kilometers of ferrettara net (rather than driftnet), instead of the required 2.5 kilometers. The nets were seized and a fine was imposed.

According to the Government of Italy, the vessel *Luca Maria* referenced in the Greenpeace report was inspected after the Greenpeace sighting, but no nets were found on board, and no sanctions were imposed.

To address the use of spotter planes by Italian vessels fishing for bluefin tuna, the Italian Government asserted that it is actively participating in the European Union's 2008 Bluefin Tuna Joint Deployment Plan (JDP), which involves accredited ICCAT inspectors and vessels from Italy, France, Spain, Greece, and Malta, for monitoring bluefin tuna fishing. According to the Italian Government, Italian regulations do not permit the prohibition on spotter plane flights unless the planes' illegal support to bluefin tuna fishing is proved. However, the Italian Government stated that a 2008 Italian Coast Guard measure forbids any private low-level flights in a specific area during periods of bluefin fishing aerial surveillance as a deterrent to the use of spotter planes.

Regarding the authorization for Italian-flagged vessels to fish for bluefin tuna, according to the Italian Government, the Fisheries Directorate is responsible for fishing licenses. They asserted that updates to the list of bluefin tuna fishing and support vessels are transmitted to ICCAT by the EC. According to Italy, they have taken a number of steps to address the IUU activity outlined above, including the promulgation of regulations to address such activity.

With respect to Libya, several of its vessels were engaged in fishing activities that violated conservation and management measures of ICCAT during calendar years 2007 and/or 2008. A Greenpeace report contains photographic evidence of frozen bluefin tuna (96 tons) being offloaded at the Port of Valletta on September 4, 2007 from a Libyan-flagged vessel (*Al Dafnia*) three months after the closure of the 2007 bluefin tuna fishing season, which indicated a possible violation of ICCAT Recommendation 06-05. Additionally, this vessel and another Libyan-flagged vessel (*Lebda*) targeting eastern Atlantic and Mediterranean bluefin tuna were not entered into the register of vessels until July 18, 2007, after the 2007 fishing season for large scale longliners ended.⁴⁵ Under ICCAT Recommendation 06-05, all vessels targeting eastern Atlantic and Mediterranean bluefin tuna must be entered into the registry. Notably, this information was included in a Canadian document in preparation for the 2008 ICCAT meeting. As discussed above, this document was circulated a month prior to the meeting and affected nations were given an opportunity to respond. The document was also distributed at the 2008 ICCAT meeting, during which ICCAT members were given an opportunity to respond to the information. (See COC 318/2008) No response was provided to this information.

Other Information

Information available through ICCAT shows that Libya failed to implement VMS coverage on its bluefin tuna fleet over 24 meters length overall in 2007, as required under ICCAT Recommendation 06-05. Under this recommendation, Libya was required to, among other things, transmit VMS data to the ICCAT Secretariat without delay no later than January 31, 2008.⁴⁶

The Government of Libya did not meet its obligation in 2007 to report its catch data for severely overfished eastern Atlantic and Mediterranean bluefin tuna every five days and on a monthly basis as required under ICCAT Recommendation 06-05, which was adopted in 2006. Also, Libyan vessels' catch data were not submitted in time for the June 2008 stock assessment of eastern Atlantic and Mediterranean bluefin tuna conducted by ICCAT pursuant to ICCAT Recommendation 05-09, ICCAT Resolution 01-16, and the basic statistical and biological data information requirements for CPCs with fisheries of tuna and tuna-like species in the Convention area to implement Article IX of the Convention.

Panama

Bases for Identification

⁴⁵ *Pirate Booty: How ICCAT is Failing to Curb IUU Fishing* (2007), pages 45-46.

⁴⁶ With respect to its implementation of VMS, according to correspondence from the Government of Libya to the ICCAT Secretariat (dated April 28, 2008), the Government of Libya requested that all Libyan-flagged vessels working in the ICCAT Convention Area install VMS by contracting a service provider company. (See ICCAT Circular #675/08)

Panamanian-flagged vessels were engaged in fishing activities that violated conservation and management measures of IATTC, NAFO, and ICCAT during calendar years 2007 and/or 2008. According to reports of the IATTC Permanent Working Group on Compliance (COM-8-04 and COM-9-04), a Panamanian-flagged vessel (*Vicente F*) continued to fish in the Eastern Pacific Ocean until June 2, 2008 after it was removed from the Register in 2007. Under IATTC Resolution C-02-03 prohibits any purse-seine vessel from fishing for tunas in the Eastern Pacific Ocean that is not on the IATTC Regional Vessel Register.

Additionally, according to reports of the IATTC Permanent Working Group on Compliance (COM-8-04 and COM-9-04), a Panamanian-flagged vessel (*Aracely F*) stored 97 tons of tuna in a well that was supposed to be sealed during a fishing trip in 2007, in violation of an IATTC measure.

Panamanian-flagged vessels (*Polestar and Enxembre*) are listed on the Northwest Atlantic Fisheries Organization (NAFO) IUU vessel list for fishing without authorization in the North Atlantic during 2007 and/or 2008.⁴⁷

Other Information

In 2007 and 2008, the Government of Panama failed to implement VMS coverage on its Atlantic tuna vessels over 24 meters in length overall, as required under ICCAT Recommendation 06-05. Under this recommendation, Panama was required to, among other things, transmit VMS data to the ICCAT Secretariat without delay no later than January 31, 2008.

People's Republic of China

Bases for Identification

With respect to the People's Republic of China, several of its vessels were engaged in fishing activities that violated conservation and management measures of CCAMLR and ICCAT during calendar years 2007 and/or 2008. Four Chinese vessels (*North Ocean, East Ocean, West Ocean, and South Ocean*), which are currently on the CCAMLR IUU vessel list, were listed after being observed by an Australian patrol vessel in November 2006 (and subsequently) fishing without authorization in the CCAMLR convention area. The vessels were advised that they were fishing without authorization and to cease fishing activity and leave the area. The patrol vessel also attempted to board and inspect these vessels but the boarding was refused. (*See CCAMLR Comm Circ 07/11*) Fishing

⁴⁷ Under NAFO rules (Article 58 of the NAFO Conservation and Enforcement Measures), Contracting Parties shall take all necessary measures to the extent possible in accordance with their applicable legislation with regard to vessels on the IUU List, including prohibiting vessels flying their flag to assist the IUU vessel in any way, prohibiting fish landings and imports from IUU vessels, and encouraging importers, transporters and others to refrain from transshipping fish caught by such vessels. In fulfillment of these requirements, NAFO parties have prohibited product from the *Polestar* from entering their ports. This action demonstrates that the RFMO has taken effective action to address the IUU activity of these vessels.

without authorization and refusal to allow an inspection constitute violations of CCAMLR Conservation Measures.

In December 2006, the Chinese government ordered the vessels to leave the CCAMLR Convention Area and return to port. When the vessels returned to port in April 2007, their total catch of toothfish was 300 metric tons, according to information provided by the People's Republic of China to CCAMLR. (*See* CCAMLR COMM CIRC 07/69) Since the vessels were found in possession of toothfish in April 2007, after being ordered to leave the CCAMLR Convention Area in December 2006, there is an indication that these vessels illegally harvested toothfish during 2007. In the absence of information to the contrary from the Chinese government, we concluded that these vessels were engaged in illegal harvest of toothfish during 2007.

The Chinese government advised CCAMLR that it had revoked the licenses of the four vessels and that the vessels had been confined to port since April 2007. The Chinese government further advised CCAMLR that a preliminary agreement of sale had been executed and that Korea, the prospective flag state, was making delisting a condition of the sale.

At the CCAMLR meeting in 2008, China submitted a request to delete the four vessels from the CCAMLR IUU list. Under CCAMLR conservation measure 10-06, a vessel may be deleted from the list if the flag nation proves that one of four conditions has been met. These conditions include a *bona fide* change in ownership, including beneficial ownership and measures taken by the flag state considered sufficient to ensure that the granting of the right to the vessel to fly its flag will not result in IUU fishing.⁴⁸

Other Information

The People's Republic of China did not effectively implement ICCAT's statistical document programs for swordfish and frozen bigeye tuna. Both programs were adopted in 2000 pursuant to ICCAT Recommendation 00-22.⁴⁹

The Government of the People's Republic of China did not meet its obligation in 2007 to report its vessels' catch data for severely overfished eastern Atlantic and Mediterranean bluefin tuna every five days and on a monthly basis as required under ICCAT Recommendation 06-05. Chinese vessels' catch data were not submitted in time for the June 2008 stock assessment of severely overfished eastern Atlantic and Mediterranean

⁴⁸ Because consensus could not be reached on the issue of whether or not the sanctions that China had levied against the vessels were sufficient to meet the relevant condition for delisting, the Commission agreed that the four Chinese-flagged vessels shall be deemed removed from the CCAMLR IUU list once China informs the Commission that the vessels have been sold to Insung Corporation of Korea and that the sales are final.

⁴⁹ With respect to its implementation of ICCAT's statistical document programs, the Chinese government asserted at the ICCAT annual meeting that it has implemented these programs. The United States has requested information on steps taken to implement such programs.

bluefin tuna conducted by ICCAT pursuant to the basic statistical and biological data information requirements for CPCs with fisheries of tuna and tuna-like species in the Convention area to implement Article IX of the Convention and ICCAT Resolution 01-16.

Tunisia

Bases for Identification

According to a Greenpeace report, six Tunisian driftnet vessels (*Ahmed Khalil, Ahmed Helmi, Aladin, El Jazira, Molka, and Sadik*) were observed fishing in the Mediterranean Sea during June 2007, contrary to ICCAT Recommendation 03-04, which prohibits the use of driftnets for fisheries of large pelagic stocks in the Mediterranean Sea. Location information on these vessels is provided in the report.⁵⁰ This information was included in the Canadian document distributed at the 2008 ICCAT meeting (COC 318/2008), during which ICCAT members were given an opportunity to respond to the information. The document was also circulated a month prior to the meeting and affected nations were given an opportunity to respond. No response was provided in either instance.

Other Information

The Government of Tunisia did not meet its obligation in 2007 to report its vessels' catch data for severely overfished eastern Atlantic and Mediterranean bluefin tuna every five days and on a monthly basis as required under ICCAT Recommendation 06-05. Also, Tunisian vessels' catch data were not submitted in time for the June 2008 stock assessment of severely overfished eastern Atlantic and Mediterranean bluefin tuna conducted by ICCAT pursuant to ICCAT Recommendation 05-09, ICCAT Resolution 01-16, and the basic statistical and biological data information requirements for CPCs with fisheries of tuna and tuna-like species in the Convention area to implement Article IX of the Convention.

Identifications for IUU activities covered by part (C) of the definition of IUU.

With regard to IUU activities as defined in Section 609 (e) (3) (C), i.e., fishing activity that has an adverse impact on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement, the informal consultations on the 2006 UNGA Sustainable Fisheries Resolution (UNGA 61/105) reviewed domestic and international progress on protecting vulnerable marine ecosystems (VMEs), such as seamounts, cold-water corals and hydrothermal vents, from destructive fishing practices on the high seas and the impacts of fishing, as called for in UNGA Resolution 59/25 (2004), and reached consensus on future mechanisms to protect such resources. This consensus sets forth measures to protect VMEs and calls on States, RFMOs, and regional fishery management agreements to comply with those measures by December 31, 2008. To be consistent with

⁵⁰ *Pirate Booty: How ICCAT is Failing to Curb IUU Fishing* (2007), page 36.

this internationally agreed process, the Secretary of Commerce will not identify States under the High Seas Driftnet Fishing Moratorium Protection Act that have utilized bottom tending gear on the high seas where VMEs may be present, including in those areas under the competence of RFMOs , prior to or during 2008.

2. PLMR Bycatch Activities.

Although formal identifications were not possible for nations whose vessels are engaged in PLMR bycatch, in fulfillment of the objectives of the Act to reduce PLMR bycatch and mitigate the adverse impact of fishing activities on PLMRs, NMFS developed a process to determine which nations' fishing activities are likely to result in bycatch of PLMR species. As part of this process, NMFS began to compare the distribution of PLMR species with the distribution of fisheries effort using gear that is known to have significant PLMR bycatch rates. An initial analysis has been conducted comparing available information on pelagic longline fisheries with species distribution information. Additional analyses and information will be required to develop a comprehensive list of nations whose fishing activities are likely to result in PLMR bycatch.

NMFS already has long-standing outreach and assistance programs with a number of nations to address their PLMR bycatch rates. Nations with which NMFS is currently working to address PLMR bycatch problems are noted in Section VIII. D. of this report, which outlines nations that are working with the United States on cooperative research or to enhance their capacity to reduce and mitigate bycatch. NMFS intends to continue those programs, and also to initiate additional programs with other nations based on the nature of their PLMR bycatch interactions, their need for assistance, and their willingness to work cooperatively with the United States. NMFS intends to work with such nations to reduce bycatch and mitigate any adverse impacts of their fishing activities, consistent with the objectives of the Act.

During the next two years, NMFS will also continue to collect information for possible identification of nations for PLMR bycatch under the provisions of the Moratorium Protection Act.

X. Conclusion

The MSRA recognizes and addresses several critical issues in international fisheries – in particular the need to work internationally to strengthen international fisheries management organizations to reduce or eliminate IUU fishing and bycatch of PLMRs, and also more effectively to enforce and promote compliance with fisheries conservation and management regulations. As described in this biennial report, the Secretary of Commerce, through NMFS, and in conjunction with the Department of State and other agencies, has been working for a number of years to promote strengthened international fisheries management institutions and improved monitoring and compliance. Positive achievements have been made in many areas. However, much more needs to be done.

Since enactment of the MSRA, the Secretary of Commerce, through NMFS, has proceeded actively to implement its authorities and requirements. Specifically, NMFS has strengthened its work with other nations, RFMOs and international organizations to reduce or eliminate IUU fishing and bycatch of PLMRs. These efforts include, *inter alia*, negotiation of new agreements and protocols, as well the development and implementation of initiatives to put into place multilateral market measures, adoption and sharing of vessel lists, use of observers and technologies to monitor compliance, strengthened port State controls, mechanisms to prevent trade or import of IUU-caught fish or other living marine resources; and adoption by other nations of international measures comparable to those of the United States to reduce the impacts of fishing on PLMRs. In support of these efforts, in FY 2008 NMFS made available more than \$860,000 in assistance specifically designated for MSRA-related projects, including training, technology transfer and cooperative scientific research. These funds, which are in addition to funds made available from other sources, are designed to assist other nations, RFMOs and international organizations in reducing or eliminating IUU fishing and addressing PLMR bycatch through more effective regulatory systems, better monitoring and enforcement regimes, and improved technology. In further support of improved monitoring and enforcement, NMFS has continued and strengthened its observer and enforcement training, technical assistance, and related programs, including its critically important work in sustaining and supporting the international MCS Network.

As required by the Act, NMFS has developed a list of ILMRs, which is included as Annex 4 to this report, and which will be reviewed and updated, as necessary, for future biennial reports. NMFS has also developed a list of PLMRs for purposes of the Act. This list is in the Executive Branch clearance process.

Further, in implementation of Sections 609 and 610 of the Moratorium Protection Act, as added by Section 403 of the MSRA, NMFS has developed proposed processes for identification and certification of nations whose vessels are engaged in IUU fishing or PLMR bycatch under the Act. Those processes, which will be published for public comment, are in the Executive Branch clearance process. Based on the requirements of the Act that countries be identified in the biennial report, NOAA has also proceeded to collect information, review and assess that information according to the definitions and standards set forth in the Act, and make identification decisions for purposes of this report. Work in the areas of identification and certification will continue, and will be reported in subsequent biennial reports.

Annex I

International Fisheries and Related Agreements and Organizations to which the United States is Party or has a Substantial Interest

To provide basic knowledge of the multilateral agreements, RFMOs and related international organizations concerning living marine resources to which the United States is a member or which are of substantial interest to the United States, a list of such organizations, with brief descriptions, is set forth below.

Global

United Nations Convention on the Law of the Sea (UNCLOS). This Convention sets the rules for jurisdiction in the oceans and establishes general requirements concerning conservation. UNCLOS currently has 156 parties; the United States is not a party but operates consistent with the fisheries provisions of the Convention, which it regards as customary international law.

Agreement for the Implementation of the Provisions of the U.N. Convention on the Law of the Sea Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement or UNFSA). This agreement provides more specific rules for the conservation and management of straddling and highly migratory fish stocks, including application of the precautionary approach, ecosystem-based management, the requirement that nations with vessels fishing on the high seas either join the appropriate RFMO or apply the conservation and management measures established by that RFMO to its fishing vessels, and other similar requirements. The 1995 agreement, which entered into force in 2001, now has 71 parties, including the United States.

Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (FAO Compliance Agreement). This agreement requires flag States to exercise control over their vessels on the high seas to ensure that they follow applicable conservation and management regulations. The agreement was adopted in 1993 and has been ratified by 18 parties, including the United States; however, 25 ratifications are needed to bring the agreement into force.

FAO Code of Conduct for Responsible Fisheries. This voluntary document, prepared in 1995, sets forth principles and international standards of behavior for responsible fisheries practices to ensure effective conservation, management and development of living aquatic resources.

International Whaling Commission (IWC). The IWC was established under the International Convention for the Regulation of Whaling (ICRW) in 1946. The purpose of

the Convention is to provide for the proper conservation and management of whale stocks. It currently has 81 parties, including the United States. At present, the United States chairs the IWC.

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES provides for the protection and regulation of certain species of wild fauna and flora, including certain living marine species, against over-exploitation, through limitations on international trade. Under CITES, species are listed in Appendices according to their conservation status: Appendix I (“threatened with extinction”); Appendix II (may become threatened with extinction unless trade is strictly regulated); and Appendix III (species that any party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and that needs the cooperation of other parties in the control of trade). CITES currently has 173 parties, including the United States.

Agreement on the Conservation of Albatrosses and Petrels (ACAP). ACAP is one of six agreements established under the Convention on Migratory Species. The 12 parties to ACAP are Argentina, Australia, Chile, Ecuador, France, New Zealand, Norway, Peru, South Africa, Spain, the United Kingdom, and Uruguay. Brazil is a signatory, but has not ratified. On September 26, 2008, President Bush submitted ACAP to the Senate, seeking advice and consent to U.S. ratification. ACAP’s intent is to enhance the understanding of the conservation status of albatrosses and petrels and their susceptibility to a range of threats at sea and on land, as well as to provide an effective means of mitigating these threats. Although the United States is not yet a party, it participates in ACAP meetings as an observer due to its interest in seabird conservation and its status as a Range State under ACAP.

Atlantic

International Commission for the Conservation of Atlantic Tunas (ICCAT). ICCAT provides for international cooperation in conservation and management, including scientific research, for tuna and tuna-like species in the Atlantic. It covers all waters of the Atlantic Ocean including the adjacent seas. ICCAT has 46 contracting parties, including the United States, plus three cooperating non-contracting parties or fishing entities. The United States will chair the Compliance Committee for the 2009-2010 biennial period.

North Atlantic Salmon Conservation Organization (NASCO). NASCO has jurisdiction over salmon stocks that migrate beyond areas of coastal State fisheries jurisdiction in the Atlantic Ocean north of 36 degrees N. throughout their migratory range. It has seven parties: Canada, Denmark (for Faroe Islands and Greenland), EC, Iceland, Norway, United States, and Russia.

Northwest Atlantic Fisheries Organization (NAFO). NAFO’s Convention Area is located within the waters of the Northwest Atlantic Ocean roughly north of 35 degrees N.

and west of 42 degrees W. The principal species managed are cod, flounders, redfish, American plaice, Greenland halibut (turbot), capelin, shrimp, hake, and squid. NAFO has 12 contracting parties, including the United States.

Southeast Atlantic Fisheries Commission (SEAFO). The SEAFO Convention, which entered into force in 2003, regulates fisheries outside EEZs in the Southeast Atlantic Ocean. Species covered include fish, mollusks, crustaceans, and other sedentary species, except species subject to coastal State jurisdiction and highly migratory species. The United States was involved in negotiation of SEAFO in order to promote incorporation of the principles of the UNFSA. The United States has signed the Convention, but is not a party, because its vessels do not fish in the area. Current parties are Angola, the EC, Namibia, Norway and South Africa.

Pacific

Western and Central Pacific Fisheries Commission (WCPFC). The WCPFC manages tuna and other highly migratory species in the western and central Pacific Ocean. The Convention entered into force in 2004 and the United States became a party in 2007. It currently has 25 members, seven participating territories, and two cooperating non-members.

Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (South Pacific Tuna Treaty – SPTT). This agreement provides U.S. purse seine tuna vessels access to fish in the waters of the Pacific Island Parties to the Treaty, including adjacent high seas areas in the central and western Pacific. Although not a fisheries management arrangement, it is referenced in this report because it contains some important and forward-looking monitoring and control provisions, including observer and VMS requirements. The Treaty has 17 parties, including the United States and 16 Pacific Island Parties. It is administered by the Forum Fisheries Agency (FFA), comprised of the 16 Pacific Island State Parties.

Inter-American Tropical Tuna Commission (IATTC). The IATTC manages tunas and other species taken by tuna-fishing vessels in the Eastern Pacific Ocean. It has 16 contracting parties, including the United States, plus 6 cooperating non-contracting parties.

Agreement on the International Dolphin Conservation Program (AIDCP). This agreement establishes legally-binding mechanisms to reduce incidental dolphin mortality in the tuna purse seine fishery in the Eastern Pacific Ocean to levels approaching zero. The agreement has 13 parties, including the United States, plus two nations that apply the Agreement provisionally.

North Pacific Anadromous Fish Commission (NPAFC). The NPAFC promotes the conservation of anadromous stocks (salmon) and ecologically-related species, including marine mammals, sea birds and non-anadromous fish, on the high seas of the North

Pacific, the Bering Sea and the Sea of Okhotsk, north of 33° N. It has five parties: Canada, Japan, the Republic of Korea, Russia and the United States.

Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (CCBSP). This Convention was established to conserve and manage the pollock resources in the high seas area of the Bering Sea. It has six parties: Japan, China, Republic of Korea, Poland, Russia and the United States.

Pacific Salmon Commission (PSC). The PSC implements the United States – Canada Pacific Salmon Treaty. A 16-person body comprised of four Commissioners and four alternates from each nation, representing the interests of commercial and recreational fisheries as well as federal, state and tribal governments, the PSC provides regulatory advice and recommendations to the two governments with regard to salmon originating in waters of one country that are subject to interception by the other, salmon that affect the management of the other country's salmon, and salmon that affect biologically the stocks of the other country.

International Pacific Halibut Commission (PHC). Established by a 1923 Convention between the United States and Canada, the mandate of the PHC covers research on and management of the stocks of Pacific Halibut within Convention waters of both countries. The Commission consists of three government-appointed Commissioners for each country.

Southern Ocean

Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Apart from seals south of 60°S and whales (which are managed by the Convention for the Conservation of Antarctic Seals (CCAS) and the International Convention for the Regulation of Whaling respectively), CCAMLR applies to all marine living resources between the Antarctic continent in the south and the Antarctic Polar Front in the north (at about 50°S). CCAMLR coordinates with the Antarctic Treaty's Committee for Environmental Protection, including with respect to Annex II to the Protocol on Environmental Protection to the Antarctic Treaty, "Conservation of Antarctic Fauna and Flora." CCAMLR has 25 Contracting Parties, including the United States. Species subject to management include krill, toothfish, icefish, crab, squids, rays and sharks. Conservation measures to minimize the incidental mortality of seabirds and marine mammals have also been adopted by CCAMLR as part of its mandate to maintain the ecological relationship between harvested, dependent and related populations of Antarctic marine living resources.

Convention for the Conservation of Antarctic Seals (CCAS). This Convention is designed to promote and achieve the protection, scientific study and rational use of Antarctic Seals, and to maintain satisfactory balance within the ecological system of Antarctica. It prohibits the killing or capture of seals in the area south of 60 degrees S,

except as specifically provided in the Convention. It has 16 parties, including the United States.

Western Hemisphere

Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC).

The IAC is the only binding Convention for the protection and conservation of sea turtles in the world. The IAC specifically protects six of the seven species of sea turtles: loggerhead, green, leatherback, hawksbill, olive ridley and Kemp's ridley. This Convention entered into force in 2001 and has 12 parties, including the United States. It protects sea turtles and their habitats in the Western Hemisphere by prohibiting the intentional capture, retention or killing of sea turtles, their eggs, parts and/or products, except for subsistence needs by traditional communities. The Convention also protects and conserves sea turtle habitats and nesting zones. The IAC meets every two years to assess the status of sea turtles and take steps to improve conservation in the region. The United States was integral in negotiating the Convention, and works to ensure that it continues to move toward its objectives through financial contributions and in-kind efforts.

Indian Ocean

Indian Ocean – South East Asian Marine Turtle Memorandum of Understanding (IOSEA). This MOU operates as a non-binding agreement under Article IV of the Convention on Migratory Species (CMS). It provides a framework within which the States of the region, as well as other concerned States, can work together to conserve and replenish depleted marine turtle populations for which they share responsibility. It requires parties to take measures to prevent bycatch of sea turtles, but without specifying specific gear types or actions. The MOU has 27 signatories, including the United States.

Annex 2

United States Laws and Regulations Providing Tools to Address IUU Fishing and Bycatch of Protected Living Marine Resources

Magnuson-Stevens Fisheries Conservation and Management Reauthorization Act of 2006 (MSRA). The 2006 reauthorization of the Magnuson-Stevens Fisheries Conservation and Management Act, 16 U.S.C. 1801 et. seq., directs substantial attention to fishing issues outside U.S. waters, particularly IUU fishing and bycatch of PLMRs. Title IV of the Act amends the High Seas Driftnet Fisheries Moratorium Protection Act, 16 U.S.C. 1826d-1826g, to call on the Secretary of Commerce to urge other nations and RFMOs to address IUU fishing and to put into place regulatory measures to end or reduce bycatch of PLMRs comparable to those of the United States, taking into account different conditions. It also puts into place an identification and certification procedure for nations whose vessels engage in IUU fishing or bycatch of PLMRs. The MSRA is the only U.S. law that speaks specifically to IUU fishing. However, it does not represent the first or only attempt by the U.S. Congress to enact laws aimed at stopping fishing activity that compromises the effectiveness of domestic and international conservation regimes.

Lacey Act. The Lacey Act, 16 U.S.C.3371-3378, prohibits the import, export, transport, sale, possession or transactions in interstate or foreign commerce of any fish or wildlife “taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law.” The two-part prohibition requires evidence of a violation of domestic or foreign law, and also evidence of trafficking, i.e., import, export, sale, etc. The law has been used extensively in a variety of wildlife resource cases, and NMFS has used it to prosecute foreign individuals who import illegal catch, such as tuna caught without authorization in another country’s EEZ. The Act has been described as one of the United States’ primary laws directly targeting illicit interstate or foreign trade in illegally taken species.

Pelly Amendment. The 1971 Pelly Amendment to the Fishermen’s Protective Act of 1967, 22 U.S.C. 1978, directs the Secretary of Commerce to certify to the President if “nationals of a foreign country, directly or indirectly, are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program” The President has discretion in whether to direct the Secretary of the Treasury to prohibit the importation of products from the certified country. The law was originally passed in response to the inability of the International Whaling Commission to enforce its quotas on member States. The Secretary of Commerce made five certifications under Pelly in the ensuing ten years, but no sanctions or import bans were imposed. The Packwood-Magnuson Amendment added an additional sanction on certified nations of a 50 percent reduction in their allocation of fish from the U.S. EEZ. The amendment also made the imposition of sanctions mandatory where a certification of “diminishing the effectiveness” of the ICRW was made.

High Seas Fishing Compliance Act (HSFCA). The HSFCA, 16 U.S.C. 5501-5509 (1995) implements the FAO Compliance Agreement for vessels flagged in the United States. The Act requires high seas fishing vessels to operate under permits issued by the Secretary of Commerce, and to comply with international conservation and management measures. Penalties include civil, criminal and forfeiture sanctions.

Marine Mammal Protection Act (MMPA). A stated goal of the MMPA, 16 U.S.C. 1361 et. seq., is to reduce the incidental kill or serious injury of marine mammals in the course of commercial fishing to insignificant levels, approaching zero. The Act prohibits “taking” (harassment, hunting, capture, killing or attempt thereof) and importation into the United States of marine mammals, except where an exception is explicitly authorized. Section 101(a)(2) authorizes limited incidental taking of marine mammals by U.S. fishermen in the course of commercial fishing pursuant to a permit issued by NMFS, in conformity with certain statutory criteria and implementing regulations. Section 101(a)(2) bans the importation of commercial fish or products from fish which have been caught with commercial fishing technology that results in the incidental kill or incidental serious injury of ocean mammals in excess of U.S. standards. The Act also requires the Secretary of Commerce, working through the Secretary of State, to initiate negotiations for the development of bilateral or multilateral agreements with other nations for the protection and conservation of all marine mammals covered by the MMPA, including negotiations with all foreign governments engaged in commercial fishing found to be unduly harmful to any species or population stock of marine mammals, to develop bilateral and multilateral treaties with such countries to protect marine mammals.

International Dolphin Conservation Program Act. This Act, 16 U.S.C. 1441 et. seq., amended the MMPA to provide that nations whose vessels fish for tuna with purse seine nets in the Eastern Tropical Pacific are permitted to export tuna to the United States only if the nation provides documentary evidence that it (1) participates in the International Dolphin Conservation Program and is a member (or applicant member) of the IATTC; (2) is meeting its obligations under the IDCP and the IATTC; and (3) does not exceed certain dolphin mortality limits.

High Seas Driftnet Fisheries Enforcement Act (1992). This Act, 16 U.S.C. 1826a – 1826c, seeks to end the use of large-scale driftnets by foreign fisheries operating beyond the EEZ of any nation. It provides authority to the United States to implement and enforce the U.N. Moratorium on Large-Scale High Seas Driftnets. Among other provisions, the High Seas Driftnet Enforcement Act provides for the identification of nations whose vessels are engaging in high seas fishing with large-scale driftnets. Identification may lead to limitations on importation of certain products from those nations.

High Seas Driftnet Fishing Moratorium Protection Act (1995). This Act, 16 U.S.C. 1826d-1826g, prohibits the United States from entering into international agreements that would prevent the full implementation of the UN Moratorium on Large-Scale High Seas Driftnets. This Act is amended by the MSRA, adding specific authorities and responsibilities to assist in reducing or eliminating IUU fishing and bycatch of PLMRs.

P.L. 101-162, Section 609 (Shrimp-Turtle Act). This law, enacted in 1989, 16 U.S.C. 1537, requires the United States to embargo shrimp harvested with commercial fishing technology that may adversely affect sea turtles. The import ban does not apply to nations that have adopted sea turtle protection programs comparable to that of the United States (e.g., require and enforce the use of turtle excluder devices (TEDs)) or to fishing nations where incidental capture does not present a threat to sea turtles (e.g., nations that fish in areas where sea turtles do not occur or that fish with vessels or gear that does not affect sea turtles). The law is implemented by the Department of State (DOS) with NMFS as technical adviser. Nations that seek to import shrimp into the United States must be certified to meet the requirements of P.L. 101-162 on an annual basis. For that purpose, DOS and NMFS experts inspect portions of national shrimp trawl fleets for adequate use of TEDs. Approximately 40 countries are currently certified. Although most certifications are done on a national basis, DOS certification guidelines allow for import of individual shipments of TED-harvested shrimp from uncertified countries.

Endangered Species Act (ESA). This Act, 16 U.S.C. 1531 et. seq., provides for the conservation of species that are in danger of extinction throughout all or a significant portion of their range. The Act lists species as either “threatened” or “endangered.” When a species is listed as endangered, it is protected from being “taken” through harassment, harm, injury, pursuit, hunting, killing, capturing or collection. Protective regulations against take may also be applied to threatened species. Critical habitat is designated for listed species providing additional protections. In addition, recovery plans are developed, providing a roadmap for the species’ recovery. The Act also provides for U.S. implementation of limitations on trade of species listed under the CITES.

Whaling Convention Act – The Whaling Convention Act, 16 U.S.C. 916 et. seq., authorizes the Secretary of Commerce to enforce the provisions of the International Convention for the Regulation of Whaling. Under this Act, it is illegal for any person under U.S. jurisdiction to engage in any act prohibited by or to fail to do any act required by the Convention, the Act or any regulations promulgated thereunder. It is also illegal to ship, transport, purchase, sell, offer for sale, import, export, or have in possession any whale or whale products taken in violation of the Convention, the Act or any regulation promulgated under it.

Shark Finning Prohibition Act. This Act, P.L. 106-557, amends the Magnuson-Stevens Fisheries Conservation and Management Act to make it illegal for persons onboard fishing vessels, including foreign fishing vessels, to remove any fins of a shark and discard the carcass at sea or to possess or offload into a U.S. port any shark fins without the corresponding carcasses. The Act creates a presumption of violation (that may be refuted) if the total weight of shark fins landed or found on board a vessel exceeds 5 % of the total weight of shark carcasses. This law also requires that U.S. delegations at bilateral and multilateral meetings seek a prohibition on shark finning. Prohibitions on finning have been approved by several RFMOs (see text of report). Enacted in 2001, the law is aimed at drastically reducing the number of sharks finned and carcasses discarded at sea.

Annex 3

Seabird Bycatch Issues

The term “seabird” describes any bird species that spends most of its life at sea, returning to land only to breed and raise its young. Seabirds are typically long-lived and place high levels of investment in reproductive behavior, forming tight pair bonds and laying only one egg at a time. They are among the most threatened birds in the world. A recent assessment of seabird populations found that many species of albatrosses and petrels are considered globally threatened or near threatened with extinction. Bycatch in fisheries is becoming widely recognized as a major threat to many seabirds. Seabirds fall within the definition of international living marine resources under the MSRA, and Section 116 of the MSRA highlights the need for the Secretary of Commerce to work cooperatively with the Secretary of the Interior, with regional fishery management councils, and within international organizations to seek ways to mitigate seabird bycatch.⁵¹ NMFS has pushed hard internationally for action to protect seabirds, as described in this Annex.

Seabirds, such as albatrosses and petrels, can be caught in virtually any type of fishing gear, but are most often taken in longline fisheries when they attempt to take sinking baits attached to hooks and are pulled underwater with the outgoing lines. Longline fisheries from 40 nations around the world were estimated to have set approximately 1.4 billion hooks in 2000, the equivalent of 3.8 million hooks each day. Since then, longline fisheries have expanded worldwide, both in terms of vessels and overall effort. Therefore, while an individual fishing vessel may catch an albatross or petrel only occasionally, the sheer scale of global fishing may threaten a species’ very existence. Although estimates are lacking or imprecise in most cases, perhaps as many as 100,000 seabirds are killed annually worldwide.

Because seabird ecology, particularly of albatrosses and petrels, is typically characterized by long-range movement between breeding and feeding grounds, effective seabird conservation requires international cooperation. Bycatch of seabirds and is thus beginning to be addressed in multiple fora.

The only multilateral agreement that coordinates international activity to mitigate known threats to albatross and petrel populations is the Agreement on the Conservation of Albatrosses and Petrels (ACAP), which entered into force in 2004. The primary objective of this agreement is to “achieve and maintain a favorable conservation status for albatrosses and petrels.” ACAP’s Advisory Committee meets annually and oversees the activities of four working groups, which cover breeding sites, taxonomy, status and trends, and bycatch. These groups have made significant progress in reviewing the population status and trends of threatened seabird species, addressing taxonomic issues, collecting information on breeding sites, and assessing threats to species from factors associated with these sites. On this basis, they have begun to devise strategies for

⁵¹ Seabirds, however, do not fall within the definition of “protected living marine resources” (PLMRs) under Section 610(e) of the Moratorium Protection Act (Section 403 of the MSRA).

addressing seabird bycatch and engaging RFMOs. Although the United States is not yet a party to ACAP, the ACAP treaty was submitted to the U. S. Senate on September 26, 2008, for its advice and consent to ratification. The United States participates in ACAP meetings as an observer due to its interest in seabird conservation and its status as a Range State under ACAP. Federal agencies involved with ACAP are working together to develop draft implementing legislation for submission to the U. S. Congress in the near future.

ACAP held the fourth meeting of its Advisory Committee in 2008, in South Africa, at which the Committee recommended adding three North Pacific albatross species to the list of species covered by the agreement – short-tailed albatross, Laysan albatross, and black-footed Albatross. A resolution will be provided to the 2009 meeting of the Parties for this purpose. One of the three species, the short-tailed albatross, is listed as endangered on the ESA and as vulnerable by the IUCN.

In 1998, the FAO hosted an expert consultation on reducing seabird-fishery interactions, initiated and partly funded by the United States. As an outcome of that consultation, the FAO finalized an International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds) in 1999, which calls on nations to assess and mitigate seabird bycatch in longline fisheries. Brazil, Canada, Chile, New Zealand, Falkland Islands (Malvinas), Japan, the United States and Uruguay have submitted final Seabird NPOAs to the FAO. Others are in development (e.g., Argentina, Australia, Namibia, South Africa, and Taiwan). The IPOA-Seabirds is referenced in resolutions passed by ICCAT, IATTC, and IOTC (Indian Ocean Tuna Commission). The FAO has also recently agreed to work with relevant bodies (CCAMLR, BirdLife International, ACAP) to develop best practice technical guidelines for NPOAs, including the guidelines for gear types other than longlines. The United States has provided financial support for and will participate in a workshop for this purpose in 2008.

Several RFMOs have taken action concerning seabirds:

CCAMLR. CCAMLR adopted its first measures to minimize the incidental mortality of seabirds in the course of longline fishing or longline fishing research in 1991. These included the required use of streamer lines, the minimum use of lights during night time setting, and prohibitions on the dumping of trash and offal. Since then, CCAMLR has refined and strengthened the measure to specify sink rates and the use of integrated weight hooklines. The most recent amendment, in 2007, provided vessel operators using the Spanish longline method with the option of using either traditional weights or steel weights under the agreed line weight regime. In 2003, with United States involvement, CCAMLR adopted a measure to minimize the incidental mortality of seabirds and marine mammals in the course of trawl fishing in the Convention Area. The measure prohibits the use of net monitor cables on vessels; requires arrangement of the location and level of lighting so as to minimize illumination directed out from the vessel, consistent with the safe operation of the vessel; prohibits the discharge of offal during the shooting and hauling of trawl gear; requires vessels to clean nets prior to shooting to remove items that might attract birds; and requires use of shooting and hauling procedures that minimize the change of birds encountering the parts of the net to which they are most vulnerable. Each

year, CCAMLR's Scientific Committee reports on recent seabird and marine mammal research, developments in bycatch mitigation methods, educational initiatives, cooperation with other RFMOs and other subjects of importance to the elimination of incidental mortality of seabirds and marine mammals in CCAMLR fisheries, including compliance with the longline and trawl fishing measures.

During the 2006/07 fishing season, for the first time, no seabirds were reported killed in regulated longline fishing in the Convention Area outside the French EEZs, and for two consecutive years no albatross mortalities were observed in longline fisheries in the entire Convention Area, including the French EEZs. Bycatch of petrels in the French EEZs decreased by 13 percent. Six seabirds were observed killed in the icefish trawl fishery and another three were released alive and uninjured. Two seabird mortalities were observed in the Division 58.5.2 trawl fishery. No seabird mortalities were observed in the krill trawl fishery.

CCAMLR continues to refine its seabird conservation measures to represent best practices. CCAMLR's seabird risk assessment has been documented and will be shared with other RFMOs so they can consider the experience of CCAMLR when developing approaches to minimizing bycatch in their own fisheries. This is particularly important given that the continued decline of some albatross populations breeding in the CCAMLR Convention Area is thought to result from bycatch in fisheries outside the Convention Area. Concerned about continued mortality of seabirds, in 2007 CCAMLR stepped up its efforts under Resolution 22/XXV ("International Actions to Reduce the Incidental Mortality of Seabirds arising from Fishing) to reach out to other RFMOs and to work with them to address the problem in a broader context. RFMOs with which collaboration is sought include IATTC, ICCAT, SEAFO, IOTC, WCPFC, SIOFA, and others.

WCPFC. In 2006, the WCPFC became the first tuna RFMO to establish required actions for mitigating seabird bycatch. The conservation measure includes lists of mitigation methods that may be used to prevent seabird bycatch in the course of fishing operations. WCPFC members are required to employ at least two of the measures, which include tori lines (bird scaring lines), side setting with a bird curtain and weighted branch lines, night-setting, weighted branch lines, the use of blue dyed bait, management of offal discharge, the use of a deep line setting shooter, or an underwater setting chute. The conservation measure also requires annual reporting of seabird bycatch data and information related to how WCPFC members have complied with the required actions.

At its annual meeting in 2007, the WCPFC adopted minimum technical specifications for use of the above measures and required nations to provide to the WCPFC Scientific Committee and Technical and Compliance Committee details regarding the use of the measures, so that the measures may be reviewed annually for effectiveness and ease of use. The United States was actively involved in the adoption of the conservation measure in 2006 and, in 2007, actively participated in the identification of minimum technical specifications.

IATTC adopted a seabird resolution in 2005. Resolution C-05-01 requires all CPCs to implement the United Nations FAO International Plan of Action for Reducing Incidental

Catches of Seabirds in Longline Fisheries if they have not yet done so. All CPCs are encouraged to collect and voluntarily provide the IATTC with all available information on interactions with seabirds, including incidental catches in all fisheries under the purview of the IATTC. Since 2005, the United States, in cooperation with other parties, has worked to strengthen this resolution. A seabird bycatch mitigation plan based on the WCPFC measure was proposed in 2007. The proposal was not adopted, but was revised and considered again in 2008. The United States was co-sponsor of one of the proposals tabled. Due to concerns regarding the area of application of bycatch measures, however, IATTC members did not adopt the revised proposal, but referred it to the IATTC Bycatch Working Group for further refinement. NMFS is hopeful that a binding seabird mitigation measure will be adopted in June 2009.

ICCAT adopted a seabird resolution in 2002 (02-14) and, in 2007, the SCRS Ecosystem Sub-Committee initiated work on an assessment of the impact on seabirds of fishing activities of all the vessels fishing for tunas and tuna-like species in the Convention Area. This work continued in early 2008, but was not completed. It is expected that the Ecosystem Sub-Committee will meet again in 2009 to continue this work. Progress to-date will be presented to ICCAT's Standing Committee on Research and Statistics at its plenary meeting in 2008. At the 2007 Commission meeting, ICCAT adopted seabird measures based on those required by the IOTC. Measures include: data collection and reporting on seabird interactions, use of bird scaring lines (streamer lines) by all longline vessels fishing south of 20 degrees South, and additional requirements (night-setting and line-weighting) for specified vessels targeting swordfish that are exempt from using streamer lines. The Commission may consider additional measures based on the 2008 seabird assessment.

In addition to involvement with multilateral organizations, the United States also addresses seabird bycatch initiatives at bilateral fishery meetings with Brazil, Canada, Chile, EU, Japan, Korea, Mexico, Russia, and Taiwan.

Annex 4

State of Knowledge on the Status of International Living Marine Resources

List and Status of International Living Marine Resources under Section 607 of the High Seas Driftnet Fishing Moratorium Protection Act, as amended by Section 403 of the MSRA

Status of International Living Marine Resources Shared by the United States or Subject to Treaties or Agreements to which the United States is a Party

		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
Agreement on the International Dolphin Conservation Program	AIDCP						
		Coastal Spotted Dolphin	<i>Stenella attenuata graffmani</i>	Depleted			AIDCP
		Northeast Offshore Spotted Dolphin	<i>Stenella attenuata attenuata</i>	Depleted			AIDCP
		Eastern Spinner Dolphin	<i>Stenella longirostris orientalis</i>	Depleted			AIDCP
Central Bering Sea Pollock Convention		Alaska Pollock	<i>Theragra chalcogramma</i>	Low biomass in 2007-08 ≈ 486,667 t. This biomass is about 28% of target biomass level to resume a fishery under the Convention.	United States	Sep-08	Convention for the Conservation and management of Pollock Resources in the Central Bering Sea
Commission for the Conservation of Anarctic Living Marine Resources	CCAMLR	Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
Convention for the Conservation of Anarctic Seals	CCAS	Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Anarctic Fur Seal	<i>Arctocephalus gazella</i>	all populations with known status either stable or increasing			CCAS
		Subantarctic Fur Seal	<i>Arctocephalus tropicalis</i>	all populations with known status either stable or increasing			CCAS
		Southern Elephant Seal - South Georgia Stock	<i>Mirounga leonina</i>	varies by island			CCAS
		Southern Elephant Seal - Iles Kerguelen Stock	<i>Mirounga leonina</i>	varies by island			CCAS
		Southern Elephant Seal - Macquarie Island Stock	<i>Mirounga leonina</i>	varies by island			CCAS
Convention on International Trade in Endangered Species	CITES	Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		elkhorn coral	<i>Acropora palmata</i>	Threatened	http://www.nmfs.noaa.gov/pr/pdfs/statusreviews/corals.pdf		CITES
		staghorn coral	<i>Acropora cervicornis</i>	Threatened	http://www.nmfs.noaa.gov/pr/pdfs/statusreviews/corals.pdf		CITES

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Atlantic Spotted Dolphin	<i>Stenella frontalis</i>	Protected under the MMPA	MMPA Northern Gulf of Mexico (2005) -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005doas-gmxn.pdf Western North Atlantic (2005) -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005doas-wn.pdf Northern Gulf of Mexico (2007) -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007doas-gmxn.pdf Western North Atlantic (2007) -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005doas-wn.pdf	Status of population in US waters reviewed every three years.	IWC
		Coastal spotted dolphin	<i>Stenella attenuata graffmani</i>	Protected under the MMPA	MMPA Northern Gulf of Mexico (2005) -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005doas-gmxn.pdf Western North Atlantic (2005) -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005doas-wn.pdf Northern Gulf of Mexico (2007) -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007dops-gmxn.pdf Western North Atlantic (2007) -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007dops-wn.pdf	Status of population in US waters reviewed every three years.	IWC
		Common Dolphin	<i>Delphinus spp.</i>	Protected under the MMPA	Western North Atlantic (2005) -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005doco-wn.pdf Western North Atlantic (2007) -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007doco-wn.pdf		IWC
		Common Dolphin, Short-beaked	<i>Delphinus delphis</i>	Protected under the MMPA	California-Oregon-Washington -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po03shortbeakedcommondolphinscaorwa.pdf California-Oregon-Washington 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007docl-ca.pdf	Status of population in US waters reviewed every three years.	IWC
		Common Dolphin, long-beaked	<i>Delphinus capensis</i>	Protected under the MMPA	California Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po03longbeakedcommondolphinsca.pdf 2007 California Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007docl-ca.pdf	Status of portion of population in US waters reviewed annually.	
		Eastern spinner dolphin	<i>Stenella longirostris orientalis</i>	Depleted, protected under the MMPA	http://swfsc.noaa.gov/uploadedFiles/Divisions/PRD/Programs/ETP_Cetacean_Assessment/Gerrodettee_tal2005.pdf	Status of population in US waters reviewed every three years.	

Status of International Living Marine Resources Shared by the United States or Subject to Treaties or Agreements to which the United States is a Party

		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Fraser's Dolphin	<i>Lagenodelphis hosei</i>	Protected under the MMPA	<p>Hawaii 2004 - http://www.nmfs.noaa.gov/pr/pdfs/sars/po04frasersdolphinsahawaii%20.pdf</p> <p>Northern Gulf of Mexico 2005 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005dofrgmxn.pdf</p> <p>Western North Atlantic 2005 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005dofrwn.pdf</p> <p>Northern Gulf of Mexico 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007dofrgmxn.pdf</p> <p>Western North Atlantic 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007dofrwn.pdf</p>	Status of population in US waters reviewed every three years.	
		Pantropical Spotted Dolphin	<i>Stenella attenuata</i>	Depleted, protected under the MMPA	<p>Hawaii 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po04pantropicalspotteddolphinhawaii.pdf</p> <p>Northern Gulf of Mexico 2005 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005dopsgmxn.pdf</p> <p>Western North Atlantic Stock 2005 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005dopswn.pdf</p>	Status of population in US waters reviewed every three years.	
		Northeastern offshore spotted dolphin	<i>Stenella attenuata attenuata</i>	Depleted, protected under the MMPA	<p>Western North Atlantic Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005dopswn.pdf</p>	Status of population in US waters reviewed every three years.	
		Northern Right Whale Dolphin	<i>Lissodelphis borealis</i>	Protected under the MMPA	<p>California-Oregon-Washington 2003 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po03northernrightwhaledolphincaorwa.pdf</p>	Status of population in US waters reviewed every three years.	
		Pacific White-Sided Dolphin	<i>Lagenorhynchus obliquidens</i>	Protected under the MMPA	<p>California-Oregon-Washington, Northern and Southern Stocks 2003 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po03pacificwhitesideddolphincaorwa.pdf</p> <p>North Pacific Stock 2006 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006_dopw-n.pdf</p> <p>California/Oregon/Washington 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007dopw-cow.pdf</p>	Status of population in US waters reviewed every three years.	

Status of International Living Marine Resources Shared by the United States or Subject to Treaties or Agreements to which the United States is a Party

		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Risso's Dolphin	<i>Grampus griseus</i>	Protected under the MMPA	<p>Hawaii 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po04rissosdolphinhawaii.pdf</p> <p>California/Oregon/Washington Stock 2003 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po03rissosdolphincaorwa.pdf</p> <p>Northern Gulf of Mexico Stock 2005 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005dorigmxn.pdf</p> <p>Western North Atlantic Stock 2006 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2006_dorwn.pdf</p> <p>California/Oregon/Washington Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007doricow.pdf</p> <p>Northern Gulf of Mexico Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007dorigmxn.pdf</p> <p>Western North Atlantic Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007dorwn.pdf</p>	Status of population in US waters reviewed every three years.	
		Rough-Toothed Dolphin	<i>Steno bredanensis</i>	Protected under the MMPA	<p>Hawaii 2004 - http://www.nmfs.noaa.gov/pr/pdfs/sars/po04roughtotheddolphinhawaii.pdf</p> <p>Northern Gulf of Mexico 2005 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005dortgmxn.pdf</p> <p>Northern Gulf of Mexico 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007dortgmxn.pdf</p>	Status of population in US waters reviewed every three years.	
		Spinner Dolphins	<i>Stenella longirostris</i>	Protected under the MMPA	<p>Western North Atlantic Stock 2005 - http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005dospwn.pdf</p> <p>Hawaii 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po04spinnerdolphinhawaii.pdf</p> <p>Northern Gulf of Mexico 2005 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005dortgmxn.pdf</p> <p>Western North Atlantic Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007dospwn.pdf</p> <p>Northern Gulf of Mexico 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007dortgmxn.pdf</p>	Status of population in US waters reviewed every three years.	

Status of International Living Marine Resources Shared by the United States or Subject to Treaties or Agreements to which the United States is a Party

		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Striped Dolphin	<i>Stenella coeruleoalba</i>	Protected under the MMPA	<p>California-Oregon-Washington 2003 - http://www.nmfs.noaa.gov/pr/pdfs/sars/po03stripeddolphincaorwa.pdf</p> <p>Hawaii 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po04stripeddolphinhawaii.pdf</p> <p>Northern Gulf of Mexico 2005 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005dost-gmxn.pdf</p> <p>Western North Atlantic - http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005dost-wn.pdf</p> <p>Northern Gulf of Mexico Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007dost-gmxn.pdf</p> <p>Western North Atlantic 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007dost-wn.pdf</p>	Status of population in US waters reviewed every three years.	
		White-Beaked Dolphin	<i>Lagenorhynchus albirostris</i>	Protected under the MMPA	<p>Western North Atlantic Stock 2006 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2006_dowb-wn.pdf</p> <p>Western North Atlantic 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007dowb-wn.pdf</p>	Status of population in US waters reviewed every three years.	
		Atlantic White-Sided Dolphin	<i>Lagenorhynchus acutus</i>	Protected under the MMPA	<p>Western North Atlantic 2006 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2006_dows-wn.pdf</p> <p>Western North Atlantic Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007dows-wn.pdf</p>	Status of population in US waters reviewed every three years.	
		European eel	<i>Anguilla anguilla</i>	Appendix II CITES			
		Dall's Porpoise	<i>Phocoenoides dalli</i>	Protected under the MMPA	<p>Alaska 2006 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006_poda.pdf</p> <p>California-Oregon-Washington -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po03dallsporpoiseaorwa.pdf</p>	Status of population in US waters reviewed every three years.	

Status of International Living Marine Resources Shared by the United States or Subject to Treaties or Agreements to which the United States is a Party

		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Harbor Porpoise	<i>Phocoena phocoena</i>	Protected under the MMPA	<p>Bering Sea 2006 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006_poh_a-be.pdf</p> <p>Gulf of Alaska 2006 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006_poh_a-ga.pdf</p> <p>Gulf of Maine/Bay of Fundy Stock 2006 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2006_poh_a-gme.pdf</p> <p>Inland Washington 2006 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2006_poh_a-wain.pdf</p> <p>Monterey Bay 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po04harborporpoisemontereybay.pdf</p> <p>Morro Bay 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po04harborporpoisemorrobay.pdf</p> <p>Northern California-Southern Oregon 2002 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/PO02harborporpoise_N.CA_S.OR.pdf</p> <p>Oregon-Washington Coastal 2006 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2006_poh_a-ow.pdf</p> <p>San Francisco-Russian River 2004-- http://www.nmfs.noaa.gov/pr/pdfs/sars/po04harborporpoisesanfranciscorussianriver.pdf</p> <p>Southeast Alaska Stock 2006 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006_poh_a-se.pdf</p>	Status of portion of population in US waters reviewed annually.	
		Finless Porpoise	<i>Neophocaena phocaenoides</i>	Protected under the MMPA, CITES Appendix I			
		Antarctic Fur Seal	<i>Arctocephalus gazella</i>	Protected under the MMPA, CITES Appendix II			
		Guadalupe Fur Seal	<i>Arctocephalus townsendi</i>	Depleted, protected under the MMPA, CITES Appendix I	http://www.nmfs.noaa.gov/pr/pdfs/sars/po2000segf-mx.pdf		
		Juan Fernandez Fur Seals	<i>Arctocephalus philippi</i>	Protected under the MMPA, Appendix II			
		Australian flatback turtle	<i>Natator depressus</i>	CITES, Appendix I	2007 IUCN Redlist -- http://www.iucnredlist.org/search/details.php/14363/summ		
		Sea Turtle, green	<i>Chelonia mydas</i>	ESA/Threatened/CITES, Appendix I	2007 Status Review -- http://www.nmfs.noaa.gov/pr/pdfs/species/greenturtle_5yearreview.pdf		

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Sea Turtle, green (Breeding colonies)	<i>Chelonia mydas</i>	ESA/Endangered/CITES Appendix I	2007 Status Review -- http://www.nmfs.noaa.gov/pr/pdfs/species/greenturtle_5yearreview.pdf		
		Sea Turtle, hawksbill	<i>Eretmochelys imbricata</i>	ESA/Endangered; CITES, Appendix I	2007 Status Review -- http://www.nmfs.noaa.gov/pr/pdfs/species/hawksbill_5yearreview.pdf		
		Sea Turtle, Kemp's Ridley	<i>Lepidochelys kempii</i>	ESA/Endangered; CITES, Appendix I	2007 Status Review -- http://www.nmfs.noaa.gov/pr/pdfs/species/kempsey_5yearreview.pdf		
		Sea Turtle, leatherback	<i>Dermochelys coriacea</i>	ESA/Endangered; CITES, Appendix I	2007 Status Review -- http://www.nmfs.noaa.gov/pr/pdfs/species/leatherback_5yearreview.pdf		
		Sea Turtle, loggerhead	<i>Caretta caretta</i>	ESA/Threatened/CITES, Appendix I	2007 Status Review -- http://www.nmfs.noaa.gov/pr/pdfs/species/loggerhead_5yearreview.pdf		
		Sea Turtle, olive ridley	<i>Lepidochelys olivacea</i>	ESA/Threatened/CITES, Appendix I	2007 Status Review -- http://www.nmfs.noaa.gov/pr/pdfs/species/oliveridley_5yearreview.pdf		
		Sea Turtle, olive ridley	<i>Lepidochelys olivacea</i>	ESA/Endangered/CITES Appendix I	2007 Status Review -- http://www.nmfs.noaa.gov/pr/pdfs/species/oliveridley_5yearreview.pdf		
		Antarctic Minke Whale	<i>Balaenoptera bonaerensis</i>	Protected under the MMPA, CITES Appendix I			
		Beaked Whale, Baird's	<i>Berardius bairdii</i>	Protected under the MMPA, CITES Appendix I	Alaska Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2005whba.pdf California/Oregon/Washington Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whba-cow.pdf	Status of population in US waters reviewed every three years.	
		Beaked Whale, Blainville's	<i>Mesoplodon densirostris</i>	Protected under the MMPA, CITES Appendix I	Hawaiian Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whbvh-hi.pdf Western North Atlantic -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao1995whbvn.pdf Northern Gulf of Mexico Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whbvgmxn.pdf	Status of portion of population in US waters reviewed annually.	

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Beaked Whale, Cuvier's	<i>Ziphius cavirostris</i>	Protected under the MMPA, CITES Appendix I	Alaska Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2005whcb.pdf California/Oregon/Washington Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whcb-cow.pdf Hawaiian Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whcb-hi.pdf Northern Gulf of Mexico -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whcb-gmxn.pdf Western North Atlantic -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005whcb-wn.pdf	Status of portion of population in US waters reviewed annually.	
		Beaked Whale, Gervais'	<i>Mesoplodon europaeus</i>	Protected under the MMPA, CITES Appendix I	Northern Gulf of Mexico -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whgv-gmxn.pdf Western North Atlantic Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao1995whgv-wn.pdf	Status of portion of population in US waters reviewed annually.	
		Beaked Whale, Longman's	<i>Indopacetus pacificus</i>	Protected under the MMPA, CITES Appendix I	Hawaiian Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whlb-hi.pdf	Status of population in US waters reviewed every three years.	
		Beaked Whale, Sowerby's	<i>Mesoplodon bidens</i>	Protected under the MMPA, CITES Appendix I	Western North Atlantic Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao1995whso-wn.pdf	Status of portion of population in US waters reviewed annually.	
		Beaked Whale, Stejneger's	<i>Mesoplodon stejnegeri</i>	Protected under the MMPA, CITES Appendix I	Alaska Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2005whsj.pdf	Status of population in US waters reviewed every three years.	
		Beaked Whale, True's	<i>Mesoplodon mirus</i>	Protected under the MMPA, CITES Appendix I	Western North Atlantic Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao1995whtb-wn.pdf	Status of portion of population in US waters reviewed annually.	

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Beluga Whale	<i>Delphinapterus leucas</i>	Protected under the MMPA	<p>Beaufort Sea Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2005whbg-bf.pdf</p> <p>Bristol Bay Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2005whbg-bf.pdf</p> <p>Cook Inlet Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whbg-ci.pdf</p> <p>Eastern Bering Sea Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2005whbg-bee.pdf</p> <p>Eastern Chucki Sea Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2005whbg-che.pdf</p>	Status of population in US waters reviewed every three years. Cook Inlet stock reviewed annually.	
		Blue Whale	<i>Balaenoptera musculus</i>	ESA/Endangered;MMPA/Depleted;CITES/Appendix I	<p>Western North Pacific -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whbl-wn.pdf</p> <p>Eastern North Pacific -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whbl-en.pdf</p> <p>Western North Atlantic -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whbl-en.pdf</p>	Status of portion of population in US waters reviewed annually.	
		Bowhead Whale	<i>Balaena mysticetus</i>	ESA/Endangered;MMPA/Depleted;CITES/Appendix I	<p>Western Arctic Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whb-arw.pdf</p>	Status of portion of population in US waters reviewed annually.	
		Bryde's Whale	<i>Balaenoptera edeni</i>	Protected under the MMPA, CITES Appendix I	<p>Eastern Tropical Pacific -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whbr-etp.pdf</p> <p>Hawaiian Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whbr-hi.pdf</p> <p>Northern Gulf of Mexico Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whbr-hi.pdf</p>	Status of population in US waters reviewed every three years.	
		Common Minke Whale	<i>Balaenoptera acutorostrata</i>	Protected under the MMPA, Appendix I/II for West Greenland population	<p>Alaska Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006whmi.pdf</p> <p>Canadian East Coast Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006whmi.pdf</p> <p>California-Oregon-Washington Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whmi-cow.pdf</p> <p>Hawaiian Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whmi-hi.pdf</p>	Status of population in US waters reviewed every three years.	

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Dwarf Minke Whale	<i>Balaenoptera acutorostrata subspecies</i>	Protected under the MMPA, CITES Appendix I			
		Dwarf Sperm Whale	<i>Kogia sima</i>	Protected under the MMPA	California/Oregon/Washington Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whdscow.pdf Hawaii Stock 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whdshi.pdf Northern Gulf of Mexico Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whdsgmxn.pdf Western North Atlantic Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whdswn.pdf	Status of population in US waters reviewed every three years.	
		Eastern North Pacific gray whale	<i>Eschrichtius robustus</i>	Protected under the MMPA	Eastern North Pacific Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whgren.pdf	Status of portion of population in US waters reviewed annually.	
		False Killer Whale	<i>Pseudorca crassidens</i>	Protected under the MMPA	Pacific Islands Region Complex 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whfkihi.pdf Northern Gulf of Mexico Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whfkgmxn.pdf	Status of population in US waters reviewed every three years.	
		Fin Whale	<i>Balaenoptera physalus</i>	ESA/Endangered;MMPA/Depleted;CITES/Appendix I	California/Oregon/Washington Stock 2003 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2003whficow.pdf Hawaiian Stock 2005 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whfihhi.pdf Northeast Pacific Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whfne.pdf Western North Atlantic Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whfnwn.pdf	Status of portion of population in US waters reviewed annually.	
		Gray Whale	<i>Eschrichtius robustus</i>	ESA/Endangered;MMPA/Depleted;CITES/Appendix I	Eastern North Pacific Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whgren.pdf	Status of portion of population in US waters reviewed annually.	

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Humpback Whale	<i>Megaptera novaeangliae</i>	ESA/Endangered;MMPA/Depleted;CITES/Appendix I	<p>Eastern North Pacific 2005 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2005whhb-en.pdf</p> <p>Central North Pacific 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whhb-pcnn.pdf</p> <p>Gulf of Maine 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whhb-gme.pdf</p> <p>Western North Pacific Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whhb-pwn.pdf</p>	Status of portion of population in US waters reviewed annually.	
		Killer Whale	<i>Orcinus orca</i>	Protected under the MMPA [AT1 and Southern Resident listed as depleted]; Southern Resident listed as Endangered under ESA	<p>AT1 Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whki-a1t.pdf</p> <p>Eastern North Pacific Alaska Resident -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whki-penar.pdf</p> <p>Eastern North Pacific Northern Resident Stock 2005 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2005whki-pennr.pdf</p> <p>Eastern North Pacific Offshore Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whki-enos.pdf</p> <p>Eastern North Pacific Transient Stock 2000 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2000whki-pent.pdf</p> <p>Eastern North Pacific Southern Resident Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whki-pensr.pdf</p> <p>Gulf of Alaska, Aleutian Islands and Bering Sea Transient Stock 2006 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006whki-gaibet.pdf</p> <p>Hawaii Stock 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whki-hi.pdf</p> <p>Northern Gulf of Mexico Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whki-gmxn.pdf</p> <p>West Coast Transient 2005 --</p>	Status of population in US waters reviewed every three years. AT1 Transient and Eastern North Pacific Southern Resident stocks reviewed annually.	
		Melon-Headed Whale	<i>Peponocephala electra</i>	Protected under the MMPA		Status of population in US waters reviewed every three years.	

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Northern Atlantic Right Whale	<i>Eubalaena glacialis</i>	ESA/Endangered;MMPA/Depleted;CITES/Appendix I		Status of portion of population in US waters reviewed annually.	
		Northern Bottlenose Whale	<i>Hyperoodon ampullatus</i>	Protected under MMPA, CITES Appendix I	Western North Atlantic Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whnb-wn.pdf	Status of population in US waters reviewed every three years.	
		Northern Pacific Right Whale	<i>Eubalaena japonica</i>		Eastern North Pacific Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whnr-pen.pdf	Status of portion of population in US waters reviewed annually.	
		Pilot Whale, Long-Finned	<i>Globicephala melas</i>	Protected under MMPA	Western North Atlantic 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whpl-wn.pdf	Status of population in US waters reviewed every three years.	
		Pilot Whale, Short-Finned	<i>Globicephala macrorhynchus</i>	Protected under MMPA	California/Oregon/Washington Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whps-cow.pdf Hawaii Stock 2006 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2006whps-hi.pdf Northern Gulf of Mexico Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whps-gmxn.pdf Western North Atlantic Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whps-wn.pdf	Status of population in US waters reviewed every three years.	
		Pygmy Right Whale	<i>Caperea marginata</i>	Protected under MMPA, CITES Appendix I			
		Pygmy Killer Whale	<i>Feresa attenuata</i>	Protected under MMPA	Hawaii Stock 2005 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2005whpk-hi.pdf Northern Gulf of Mexico stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whpk-gmxn.pdf Western North Atlantic Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whpk-wn.pdf	Status of population in US waters reviewed every three years.	

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Pygmy Sperm Whale	<i>Kogia breviceps</i>	Protected under MMPA	California/Oregon/Washington Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whpy-cow.pdf Hawaii 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whpy-hi.pdf Northern Gulf of Mexico 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whpy-gmxn.pdf Western North Atlantic Stock -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whpy-wn.pdf	Status of population in US waters reviewed every three years.	
		Sei Whale	<i>Balaenoptera borealis</i>	ESA/Endangered;MMPA/Depleted;CITES/Appendix I	Eastern North Pacific Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whse-en.pdf Hawaii 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whse-hi.pdf Nova Scotia Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whse-ns.pdf Western North Atlantic 2008 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao1998whse-wn.pdf	Status of portion of population in US waters reviewed annually.	
		Southern Bottlenose Whale	<i>Hyperoodon planifrons</i>	Protected under MMPA/CITES Appendix I			
		Southern Right Whale	<i>Eubalaena australis</i>	ESA/Endangered;MMPA/Depleted;CITES/Appendix I			
		Sperm Whale	<i>Physeter macrocephalus</i>	ESA/Endangered;MMPA/Depleted;CITES/Appendix I	California/Oregon/Washington Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whsp-cow.pdf Hawaii 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whsp-hi.pdf North Pacific 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whsp-pn.pdf North Atlantic 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whsp-n.pdf Northern Gulf of Mexico 2007 --- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whsp-gmxn.pdf	Status of portion of population in US waters reviewed annually.	
		Walrus	<i>Odobenus rosmarus</i>	Protected under MMPA, CITES Appendix III (Canada)	Pacific Walrus 2002 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/fws2002_walrus-p.pdf	USFWS species.	

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		Basking shark	<i>Cetorhinus maximus</i>	50-90% decline	CITES (2002). Inclusion of Basking Shark in Appendix II. Prop 36	Unknown	CITES
		Porbeagle shark	<i>Lamna nasus</i>	Overfished, no overfishing occurring	Gibson and Campana 2005	Joint ICCAT/ICES assessment planned for 2009	ICCAT
		Smalltooth sawfish	<i>Pristis pectinata</i>	90% decline	National Marine Fisheries Service. 2006. Recovery Plan for Smalltooth Sawfish (<i>Pristis pectinata</i>).	2008	ESA
		Whale Shark	<i>Rhincodon typus</i>	30-90% decline	CITES (2002). Inclusion of Whale Shark in Appendix II. Prop 35	Unknown	CITES
		White Shark	<i>Carcharodon carcharias</i>	60-90% decline	CITES (2004). Inclusion of White Shark in Appendix II. Prop 32	Unknown	CITES
		Short-tailed albatross	<i>Phoebastria albatrus</i>	Appendix 1, IUCN Endangered			CITES
Inter-American Convention on the Protection of Sea Turtles	IAC	Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Loggerhead turtle	<i>Caretta caretta</i>	Threatened	NMFS 5-year review (August 2007)	2112	IAC
		Green turtle- Atlantic	<i>Chelonia mydas</i>	Threatened, except Florida breeding colony populations in Florida, which are endangered	NMFS 5-year review (August 2007)	2112	IAC
		Green turtle- Pacific	<i>Chelonia mydas</i>	Threatened, except breeding colony populations on Pacific coast of Mexico, which are endangered	NMFS 5-year review (August 2007)	2112	IAC
		Leatherback turtle	<i>Dermochelys coriacea</i>	Endangered	NMFS 5-year review (August 2007)	2112	IAC
		Hawksbill turtle	<i>Eretmochelys imbricata</i>	Endangered	NMFS 5-year review (August 2007)	2112	IAC
		Kemp's Ridley turtle	<i>Lepidochelys kempii</i>	Endangered	NMFS 5-year review (August 2007)	2112	IAC
		Olive Ridley turtle	<i>Lepidochelys olivacea</i>	Threatened everywhere found except breeding colony populations on the Pacific coast of Mexico, which are endangered	NMFS 5-year review (August 2007)	2112	IAC
Inter-American Tropical Tuna Commission	IATTC	Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Yellowfin tuna- Eastern Pacific	<i>Thunnus albacares</i>	Overfishing occurring	2006 report on the status of U.S. marine fish stocks		IATTC
		Bigeye tuna- Pacific	<i>Thunnus obesus</i>	Overfishing occurring	2006 report on the status of U.S. marine fish stocks		IATTC
		Skipjack tuna- Eastern Pacific	<i>Katsuwonus pelamis</i>	Overfishing not occurring; not overfished	2006 report on the status of U.S. marine fish stocks		IATTC

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		Striped Marlin- Eastern Pacific	<i>Tetrapturus audax</i>	Overfishing not occurring; not overfished	2006 report on the status of U.S. marine fish stocks		IATTC
		Indo-Pacific Blue Marlin- Pacific	<i>Makaira mazara</i>	Close to fully exploited, but overfishing not occurring and not overfished	IATTC-74-04		IATTC
		Swordfish- North Pacific	<i>Xiphias gladius</i>	Overfishing not occurring; not overfished	2006 report on the status of U.S. marine fish stocks		IATTC
		Swordfish- Southern Eastern Pacific Ocean	<i>Xiphias gladius</i>	Likely close to fully exploited	IATTC-74-04		IATTC
		Dolphinfish- Pacific	<i>Coryphaena hippurus</i>	Unknown	2006 report on the status of U.S. marine fish stocks		IATTC
		Wahoo- Pacific	<i>Acanthocybium solandri</i>	Unknown	2006 report on the status of U.S. marine fish stocks		IATTC
		Jack Mackerel- Pacific	<i>Trachurus symmetricus</i>	Not overfished	2006 report on the status of U.S. marine fish stocks		IATTC
		Blue shark- Pacific	<i>Prionace glauca</i>	Overfishing not occurring; not overfished	2006 report on the status of U.S. marine fish stocks		IATTC
		Shortfin mako shark- Pacific	<i>Isurus oxyrinchus</i>	Unknown	Summary of Stock Status for Fish Stock Sustainability Index 2007		IATTC
		Longfin mako shark- Pacific	<i>Isurus paucus</i>	Unknown	2006 report on the status of U.S. marine fish stocks		IATTC
		Silky Shark- Pacific	<i>Carcharhinus falciformis</i>	Unknown	Summary of Stock Status for Fish Stock Sustainability Index 2007		IATTC
		Oceanic Whitetip Shark- Pacific	<i>Carcharhinus longimanus</i>	Unknown	Summary of Stock Status for Fish Stock Sustainability Index 2007		IATTC, WPFMC
		Antipodean albatross	<i>Diomedea antipodensis</i>	Vulnerable	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Black-browed albatross	<i>Thalassarche melanophrys</i>	Endangered	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Black-footed albatross	<i>Phoebastria nigripes</i>	Endangered	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Buller's albatross	<i>Thalassarche bulleri</i>	Vulnerable	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Chatham albatross	<i>Thalassarche eremita</i>	Critically Endangered	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Grey-headed albatross	<i>Thalassarche chrysostoma</i>	Vulnerable	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Laysan albatross	<i>Phoebastria immutabilis</i>	Vulnerable	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Light-mantled albatross	<i>Phoebastria palpebrata</i>	Near Threatened	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Northern royal albatross	<i>Diomedea sanfordi</i>	Endangered	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Salvin's albatross	<i>Thalassarche salvini</i>	Vulnerable	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Short-tailed albatross	<i>Phoebastria albatrus</i>	Vulnerable, ESA Endangered	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Southern royal albatross	<i>Diomedea epomophora</i>	Vulnerable	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Wandering albatross	<i>Diomedea exulans</i>	Vulnerable	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Waved albatross	<i>Phoebastria irrorata</i>	Vulnerable	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Black petrel	<i>Procellaria parkinsoni</i>	Vulnerable	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		Grey petrel	<i>Procellaria cineria</i>	Near Threatened	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
		White-chinned petrel	<i>Procellaria aequinoctialis</i>	Vulnerable	IUCN 2004; IATTC BWG-5-05.a.1		IATTC

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Southern giant petrel	<i>Macronectes giganteus</i>	Vulnerable	IUCN 2004; IATTC BWG-5-05.a.1		IATTC
International Convention for the Conservation of Atlantic Tunas	ICCAT	Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Wahoo	<i>Acanthocybium solandri</i>	Unknown	ICCAT SCRS report	Unknown	ICCAT
		Bigeye thresher	<i>Alopias superciliosus</i>	Atlantic-Unknown	ICCAT SCRS/2008	Unknown	ICCAT
		Common thresher	<i>Alopias vulpinus</i>	Atlantic-Unknown	ICCAT SCRS/2008	Unknown	ICCAT
		Silky	<i>Carcharhinus falciformis</i>	Atlantic-Unknown	ICCAT SCRS/2008	Unknown	ICCAT
		Oceanic whitetip	<i>Carcharhinus longimanus</i>	Atlantic-Unknown	ICCAT SCRS/2008	Unknown	ICCAT
		Atlantic black skipjack (Atlantic little tuna)	<i>Euthynnus alletteratus</i>	Unknown	ICCAT SCRS report	Unknown	ICCAT
		Sailfish	<i>Istiophorus albicans</i>	Unknown internationally; overfished with overfishing occurring domestically	ICCAT SCRS report; Status of U.S. Fisheries -- http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm	2009	ICCAT
		Shortfin mako	<i>Isurus oxyrinchus</i>	North Atlantic - "non-negligible probability" that B is below Bmsy; overfishing occurring South Atlantic - Unknown	ICCAT SCRS/2008; Status of U.S. Fisheries -- http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm	Unknown	ICCAT
		Longfin mako	<i>Isurus paucus</i>	Atlantic-Unknown	ICCAT SCRS/2008	Unknown	ICCAT
		Skipjack tuna	<i>Katsuwonus pelamis</i>	Not overfished; overfishing not occurring	ICCAT SCRS/2008	Unknown	ICCAT
		Porbeagle shark	<i>Lamna nasus</i>	Overfished, no overfishing occurring	Gibson and Campana (2005)	Joint ICCAT/ICES assessment planned for 2009	ICCAT
		Blue marlin	<i>Makaira nigricans</i>	Overfished/overfishing occurring	ICCAT SCRS/2006	2010	ICCAT
		Blue shark	<i>Prionace glauca</i>	North Atlantic - Not overfished; South Atlantic - Not overfished	ICCAT SCRS/2008	Unknown	ICCAT
		Crocodile shark	<i>Pseudocarcharias kamoharai</i>	Atlantic-Unknown	ICCAT SCRS/2008	Unknown	ICCAT
		Pelagic Stingray	<i>Pteroplatytrygon violacea</i>	Atlantic-Unknown	ICCAT SCRS/2008	Unknown	ICCAT
		Bonito	<i>Sarda sarda</i>	Unknown	ICCAT SCRS report	Unknown	ICCAT
		Serra Spanish mackerel	<i>Scomberomorus brasiliensis</i>	Unknown	ICCAT SCRS report	Unknown	ICCAT
		King mackerel	<i>Scomberomorus cavalla</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 13	2008	ICCAT

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Atlantic Spanish mackerel	<i>Scomberomorus maculatus</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 13	2008	ICCAT
		Scalloped hammerhead	<i>Sphyrna lewini</i>	Unknown	ICCAT SCRS/2008; Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11	2008	ICCAT
		Smooth hammerhead	<i>Sphyrna zygaena</i>	Unknown	ICCAT SCRS/2008; Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11	2008	ICCAT
		White marlin	<i>Tetrapturus albidus</i>	Overfished/overfishing occurring	ICCAT SCRS/2006	2010	ICCAT
		Mediterranean Albacore tuna	<i>Thunnus alalunga</i>	Unknown	ICCAT SCRS report	Unknown	ICCAT
		Northern Albacore tuna	<i>Thunnus alalunga</i>	Overfished/overfishing occurring	ICCAT SCRS/2007	2009	ICCAT
		Southern Albacore tuna	<i>Thunnus alalunga</i>	Overfished	ICCAT SCRS/2007	Unknown	ICCAT
		Yellowfin tuna	<i>Thunnus albacares</i>	Fully exploited internationally; not overfished/no overfishing occurring domestically	ICCAT SCRS/2008; Status of U.S. Fisheries -- http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm	Unknown	ICCAT
		Blackfin tuna	<i>Thunnus atlanticus</i>	Unknown	ICCAT SCRS report	Unknown	ICCAT
		Bigeye tuna	<i>Thunnus obesus</i>	Overfished internationally; rebuilding domestically	ICCAT SCRS/2007; Status of U.S. Fisheries -- http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm	2011?	ICCAT
		Eastern Bluefin tuna	<i>Thunnus thynnus</i>	Overfished/overfishing	ICCAT SCRS report	2008	ICCAT
		Western Bluefin tuna	<i>Thunnus thynnus</i>	Overfished/overfishing	ICCAT SCRS/2008	Unknown	ICCAT
		North Atlantic Swordfish	<i>Xiphias gladius</i>	Fully exploited internationally; not overfished/rebuilding/no overfishing occurring domestically	ICCAT SCRS/2006; Status of U.S. Fisheries -- http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm	2009	ICCAT
		Mediterranean Swordfish	<i>Xiphias gladius</i>	Overfished/overfishing	ICCAT SCRS report	2008	ICCAT
		South Atlantic Swordfish	<i>Xiphias gladius</i>	Fully exploited	ICCAT SCRS report	2009	ICCAT
		Wandering albatross	<i>Diomedea exulans</i>	Vulnerable (Declining Rapidly)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Tristan albatross	<i>Diomedea dabbenena</i>	Endangered (Declining Rapidly)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Northern royal albatross	<i>Diomedea sanfordi</i>	Endangered (Stable/Increasing)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Southern royal albatross	<i>Diomedea epomophora</i>	Vulnerable (Stable)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Shy albatross	<i>Thalassarche cauta</i>	Near Threatened (Stable/Increasing)	IUCN 2004 (SCRS 2007 report)		ICCAT
		White-capped albatross	<i>Thalassarche steadi</i>	Vulnerable (Possibly Declining)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Black-browed albatross	<i>Thalassarche melanophrys</i>	Endangered (Overall Declining)	IUCN 2004 (SCRS 2007 report)		ICCAT

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Grey-headed albatross	<i>Thalassarche chrysostoma</i>	Vulnerable (Declining Rapidly/Stable)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Atlantic yellow-nosed albatross	<i>Thalassarche chlororhynchos</i>	Endangered (Declining Rapidly)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Indian yellow-nosed albatross	<i>Thalassarche carteri</i>	Endangered (Declining)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Sooty albatross	<i>Phoebastria fusca</i>	Endangered (Declining)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Light-mantled albatross	<i>Phoebastria palpebrata</i>	Near Threatened	IUCN 2004 (SCRS 2007 report)		ICCAT
		Southern giant petrel	<i>Macronectes giganteus</i>	Near Threatened (Decreasing/Increasing)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Northern giant petrel	<i>Macronectes halli</i>	Near Threatened (Increasing/Stable)	IUCN 2004 (SCRS 2007 report)		ICCAT
		White-chinned petrel	<i>Procellaria aequinoctialis</i>	Vulnerable (Decreasing)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Spectacled petrel	<i>Procellaria conspicillata</i>	Vulnerable (Increasing)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Grey petrel	<i>Procellaria cinerea</i>	Near Threatened	IUCN 2004 (SCRS 2007 report)		ICCAT
		Cape petrel	<i>Daption capense</i>	Least Concern	IUCN 2004 (SCRS 2007 report)		ICCAT
		Northern fulmar	<i>Fulmarus glacialis</i>	Least Concern (Stable)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Southern fulmar	<i>Fulmarus glacialisoides</i>	Least Concern	IUCN 2004 (SCRS 2007 report)		ICCAT
		Cory's shearwater	<i>Calonectris diomedea</i>	Least Concern (Decreasing Rapidly/Increasing)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Cape Verde shearwater	<i>Calonectris edwardsii</i>	Near Threatened (Possibly Stable)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Manx shearwater	<i>Puffinus puffinus</i>	Least Concern (Stable/Decreasing)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Balearic shearwater	<i>Puffinus mauritanicus</i>	Critically Endangered (Decreasing Rapidly)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Yelkouan shearwater	<i>Puffinus yelkouan</i>	Least Concern (Stable/Decreasing)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Great shearwater	<i>Puffinus gravis</i>	Least Concern	IUCN 2004 (SCRS 2007 report)		ICCAT
		Sooty shearwater	<i>Puffinus griseus</i>	Near Threatened	IUCN 2004 (SCRS 2007 report)		ICCAT
		Little shearwater	<i>Puffinus assimilis</i>	Least Concern (Stable)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Audubon's shearwater	<i>Puffinus lherminieri</i>	Least Concern	IUCN 2004 (SCRS 2007 report)		ICCAT
		Black-capped petrel	<i>Pterodroma hasitata</i>	Vulnerable (Decreasing)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Bermuda petrel	<i>Pterodroma cahow</i>	Endangered (Increasing)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Atlantic petrel	<i>Pterodroma incerta</i>	Vulnerable	IUCN 2004 (SCRS 2007 report)		ICCAT
		Great-winged petrel	<i>Pterodroma macroptera</i>	Least Concern	IUCN 2004 (SCRS 2007 report)		ICCAT
		Cape gannet	<i>Morus capensis</i>	Vulnerable (Decreasing Rapidly)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Northern gannet	<i>Morus bassanus</i>	Least Concern (Increasing)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Audouin's gull	<i>Larus audouinni</i>	Near Threatened (Increasing)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Yellow-legged gull	<i>Larus cachinnans</i>	Least Concern (Increasing)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Herring gull	<i>Larus argentatus</i>	Least Concern (Increasing)	IUCN 2004 (SCRS 2007 report)		ICCAT

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Great black-backed gull	<i>Larus marinus</i>	Least Concern (Increasing/Stable)	IUCN 2004 (SCRS 2007 report)		ICCAT
		Laughing gull	<i>Larus atricilla</i>	Least concern	IUCN 2004 (SCRS 2007 report)		ICCAT
		Great skua	<i>Catharacta skua</i>	Least Concern (Increasing/Stable)	IUCN 2004 (SCRS 2007 report)		ICCAT
International Pacific Halibut Commission	IPHC	Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Pacific Halibut	<i>Hippoglossus stenolepis</i>	Near historic high abundance but declining, overfishing not occurring; not overfished	2007 Stock Assessment Report for IPHC Annual Meeting	Feb-09	Convention between Canada and the USA for the Preservation of the Halibut Fishery of the NE Pacific Ocean and Bering Sea
International Whaling Commission	IWC	Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Antarctic Minke Whale	<i>Balaenoptera bonaerensis</i>	Protected under the MMPA, CITES Appendix I. Widely varying estimates of abundance from circumpolar surveys leave current status unresolved.	IWC Scientific Committee	Continuous and reviewed annually by IWC	ICRW
		Blue Whale	<i>Balaenoptera musculus</i>	ESA/Endangered;MMPA/ Depleted;CITES/Appendix I. Status varies by population: eastern North Pacific considered abundant, entire Southern hemisphere at <1% of pre-whaling abundance.		New information for Southern Hemisphere will be reviewed annually by IWC. No plans for boreal stocks. Status of portion of population in US waters reviewed annually.	ICRW
		Bowhead Whale	<i>Balaena mysticetus</i>	ESA/Endangered;MMPA/ Depleted;CITES/Appendix I. Western Arctic stock abundant and growing; eastern Arctic appears to be recovering well; Okhotsk Sea stock small, with unclear status; Spitsbergen stock may be functionally extinct.	IWC Scientific Committee (last review of western Arctic in 2007). Western Arctic: http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whbh-arw.pdf	Western Arctic: 2012. None planned for other stocks. Status of portion of population in US waters reviewed annually.	ICRW

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Bryde's Whale	Balaenoptera edeni	Protected under the MMPA, CITES Appendix I. Status largely unknown due to low effort and unresolved taxonomic issues.	IWC Scientific Committee Eastern Tropical Pacific: http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whbr-etp.pdf Hawaii: http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whbr-hi.pdf Northern Gulf of Mexico: http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2005whbr-gmxn.pdf	None planned. Status of population in US waters reviewed every three years.	ICRW
		Common Minke Whale	Balaenoptera acutorostrata	Protected under the MMPA, Appendix I/II for West Greenland population. Information regarding status varies from poor to good. West Greenland population subject to native catch. Status of Sea of Japan population a major concern due to high bycatch.	IWC Scientific Committee Alaska: http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006whmi.pdf Canadian Eastern Coastal: http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whmi-cneco.pdf California-Oregon-Washington: http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whmi-cow.pdf Hawaii: http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whmi-hi.pdf	Status of population in US waters reviewed every three years	ICRW
		Fin Whale	Balaenoptera physalus	ESA/Endangered;MMPA/Depleted;CITES/Appendix I. Information regarding status varies from poor to good.	IWC Scientific Committee California-Oregon-Washington: http://www.nmfs.noaa.gov/pr/pdfs/sars/po2003whfi-cow.pdf Hawaii: http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whfi-hi.pdf Northeast Pacific: http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whfi-ne.pdf Western North Atlantic: http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whfi-wn.pdf	North Atlantic population review may occur in 2009/10. Status of portion of population in US waters reviewed annually.	ICRW
		Gray Whale	Eschrichtius robustus	ESA/Endangered;MMPA/Depleted;CITES/Appendix I. Eastern population abundant and well recovered. Western population likely ca. 100 whales and critically endangered.	IWC Scientific Committee Eastern North Pacific: http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whgr-en.pdf	Eastern population: 2009. Western population: no review scheduled. Status of population in US waters reviewed every three years.	ICRW

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Humpback Whale	<i>Megaptera novaeangliae</i>	ESA/Endangered;MMPA/ Depleted;CITES/Appendix I. North Atlantic & North Pacific: abundant and increasing. Southern Hemisphere: varies by stock from abundant to very small.	IWC Scientific Committee (N Atlantic stock reviewed in 2001). Eastern North Pacific: http://www.nmfs.noaa.gov/pr/pdfs/sars/po2005whhb-en.pdf Central North Pacific: http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whhb-pcnn.pdf Gulf of Maine: http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whhb-gme.pdf Western North Pacific: http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whhb-pwn.pdf	S Hemisphere status assessments ongoing. No plans for N Pacific. Status of portion of population in US waters reviewed annually.	ICRW
		Northern Atlantic Right Whale	<i>Eubalaena glacialis</i>	ESA/Endangered;MMPA/ Depleted;CITES/Appendix I. Critically endangered due to anthropogenic mortality.	IWC Scientific Committee, NMFS Stock Assessment Reports. Last reviewed by IWC in 1998. Western Stock: http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whnr-w.pdf	Ongoing by NMFS as part of SAR process. Status of portion of population in US waters reviewed annually.	ICRW
		Northern Pacific Right Whale	<i>Eubalaena japonica</i>	ESA/Endangered;MMPA/ Depleted;CITES/Appendix I. Eastern stock critically endangered and likely < 100 animals due to illegal whaling in 1960s; western stock unknown but likely in hundreds.	NMFS/AFSC.NMML, Stock Assessment Reports. Last reviewed by IWC in 1998. Eastern North Pacific: http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whnr-pen.pdf	Ongoing by NMFS as part of SAR process. Status of portion of population in US waters reviewed annually.	ICRW
		Sei Whale	<i>Balaenoptera borealis</i>	ESA/Endangered;MMPA/ Depleted;CITES/Appendix I. Information generally too poor to reliably assess status for any stock.	Eastern North Pacific Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whse-en.pdf Hawaii 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whse-hi.pdf Nova Scotia Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whse-ns.pdf	Status of portion of population in US waters reviewed annually.	ICRW
		Southern Right Whale	<i>Eubalaena australis</i>	ESA/Endangered;MMPA/ Depleted;CITES/Appendix I. Status varies by population from abundant and increasing to small/unknown.	IWC Scientific Committee (last review in 1998).	None planned	ICRW

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Sperm Whale	<i>Physeter macrocephalus</i>	ESA/Endangered;MMPA/Depleted;CITES/Appendix I.	California/Oregon/Washington Stock 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007whsp-cow.pdf Hawaii 2004 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/po2004whsp-hi.pdf North Pacific 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2007whsp-pn.pdf North Atlantic 2007 -- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whsp-n.pdf Northern Gulf of Mexico 2007 --- http://www.nmfs.noaa.gov/pr/pdfs/sars/ao2007whsp-gmxn.pdf	Status of portion of population in US waters reviewed annually.	
North Atlantic Fisheries Organization	NAFO	Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
Note: The NAFO Convention applies to all fishery resources within the NAFO Convention Area, excluding: salmon, tunas and marlins, cetacean stocks, managed by the IWC, and sedentary species of the Continental Shelf. Parties are known to target approximately 25		American plaice	<i>Hippoglossoides platessoides</i>	Moratorium on fishing	2007 Scientific Council Reports		NAFO
		Atlantic cod	<i>Gadus morhua</i>	Moratorium on fishing	2007 Scientific Council Reports		NAFO
		Witch flounder	<i>Glyptocephalus cynoglossus</i>	Moratorium on fishing	2007 Scientific Council Reports		NAFO
		Capelin	<i>Mallotus villosus</i>	Moratorium on fishing	2007 Scientific Council Reports		NAFO
		Greenland halibut	<i>Reinhardtius hippogloides</i>	Under 15 year rebuilding plan-continued decline (overfished)	2007 Scientific Council Reports		NAFO

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Beaked redfishes	<i>Sebastes spp.</i>	Species include: <i>Sebastes marinus</i> and <i>Sebastes fasciatus</i> . Stocks managed by NAFO Division: Div. 3LN - moratorium, Divs. 3M, 3O, and Subarea 2 and Div 1F+3K - stable.	2007 Scientific Council Reports		NAFO
		Oceanic redfish	<i>Sebastes mentella</i>	Managed with <i>Sebastes marinus</i> and <i>Sebastes fasciatus</i> . Stock managed by NAFO in Division 1F+3K - stable.	2007 Scientific Council Reports		NAFO
		White hake	<i>Urophycis tenuis</i>	Stable/recent decline	2007 Scientific Council Reports		NAFO
		Yellowtail flounder	<i>Limanda ferruginea</i>	Stable/increasing	2007 Scientific Council Reports		NAFO
		Short-finned squid	<i>Illex illecebrosus</i>	Stable/intermittant fishery	2007 Scientific Council Reports		NAFO
		Shrimps	<i>Pandalus sp.</i>	Stocks stable in Divs 3L and 3M. Moratorium in Div. 3NO	2007 Scientific Council Reports		NAFO
		Thorny skate (starry ray)	<i>Amblyraja radiata</i>	Overfished	NEFSC 44th Stock Assessment Summary 25b:Skate Complex	Unknown	NAFO
		Winter skate	<i>Leucoraja ocellata</i>	Overfishing is occurring	NEFSC 44th Stock Assessment Summary 25b:Skate Complex	Unknown	NAFO
		Barndoor skate	<i>Dipturus laevis</i>	Not overfished or overfishing occurring	NEFSC 44th Stock Assessment Summary 25b:Skate Complex	Unknown	NAFO
		Clearnose skate	<i>Raja eglanteria</i>	Not overfished or overfishing occurring	NEFSC 44th Stock Assessment Summary 25b:Skate Complex	Unknown	NAFO
		Rosette skate	<i>Leucoraja garmani</i>	Not overfished or overfishing occurring	NEFSC 44th Stock Assessment Summary 25b:Skate Complex	Unknown	NAFO
		Little	<i>Leucoraja erinacea</i>	Not overfished or overfishing occurring	NEFSC 44th Stock Assessment Summary 25b:Skate Complex	Unknown	NAFO
		Smooth skate	<i>Malacoraja senta</i>	Not overfished or overfishing occurring	NEFSC 44th Stock Assessment Summary 25b:Skate Complex	Unknown	NAFO
		Roundnose grenadier	<i>Macrourus rupestris</i>	Not regulated/SubAreas 0+1 -stable			NAFO
		Roughhead grenadier	<i>Macrourus rupestris</i>	Not regulated/low levels			NAFO
		Wolffishes (catchfish) (NS)	<i>Anarhichas spp.</i>	Not regulated. Species Include: <i>Anarhichas lupus</i> , <i>Anarhichas minor</i> , and <i>Anarhichas denticulatus</i> . Stocks at low levels -potential for future management			NAFO

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Dogfishes (NS)	<i>Raja spp.</i>	Data gathering and finning regulations for all "sharks"			NAFO
		Silver Hake	<i>Squalidae</i>	Not regulated/unknown. Includes <i>Squalus acanthias</i> and <i>Centroscyllium terraenovae</i>			NAFO
		Red hake	<i>Merluccius bilinearis</i>	Not regulated/unknown			NAFO
		Pollock (saithe)	<i>Urophycis chuss</i>	Not regulated/unknown			NAFO
		Haddock	<i>Pollachius virens</i>	Not regulated/unknown			NAFO
		American angler	<i>Melanogrammus aeglefinus</i>	Not regulated/unknown			NAFO
		Atlantic halibut	<i>Lophius americanus</i>	Not regulated/unknown			NAFO
		Atlantic herring	<i>Hippoglossus hippoglossus</i>	Not regulated/unknown			NAFO
		Atlantic mackerel	<i>Clupea harengus</i>	Not regulated/unknown			NAFO
		Winter flounder	<i>Scomber scombrus</i>	Not regulated/unknown			NAFO
Other species found in the NAFO Area (Note: not a complete listing of the species over which NAFO has jurisdiction)		Windowpane flounder	<i>Pseudopleuronectes americanus</i>	Not regulated/unknown			NAFO
		Flatfish (NS)	<i>Scophthalmus aquosus</i>	Not regulated/unknown			NAFO
		Atlantic searobins	<i>Pleuronectiformes</i>	Not regulated/unknown			NAFO
		Atlantic tomcod	<i>Prionotus spp.</i>	Not regulated/unknown			NAFO
		Blue antimora	<i>Microgadus tomcod</i>	Not regulated/unknown			NAFO
		Blue whiting (Poutassou)	<i>Antimora rostrata</i>	Not regulated/unknown			NAFO
		Cunner	<i>Micromesistius poutassou</i>	Not regulated/unknown			NAFO
		Cusk (Tusk)	<i>Tautogalabrus adspersus</i>	Not regulated/unknown			NAFO
		Greenland cod	<i>Brosme brosme</i>	Not regulated/unknown			NAFO
		Blue ling	<i>Gadus ogac</i>	Not regulated/unknown			NAFO
		Ling	<i>Molva dypterygia</i>	Not regulated/unknown			NAFO
		Lumpfish (lumpsucker)	<i>Molva molva</i>	Not regulated/unknown			NAFO
		Northern kingfish	<i>Cycloterus lumpus</i>	Not regulated/unknown			NAFO
		Northern puffer	<i>Menticirrhus saxatilis</i>	Not regulated/unknown			NAFO
		Eelpouts (NS)	<i>Sphoeroides maculatus</i>	Not regulated/unknown			NAFO
		Ocean pout	<i>Lycodes spp.</i>	Not regulated/unknown			NAFO
		Polar cod	<i>Macrozoarces americanus</i>	Not regulated/unknown			NAFO
		Sandeels (Sandlances)	<i>Boreogadus saida</i>	Not regulated/unknown			NAFO
		Sculpins (NS)	<i>Ammodytes spp.</i>	Not regulated/unknown			NAFO
		Scup	<i>Myoxocephalus spp.</i>	Not regulated/unknown			NAFO
		Tautog	<i>Stenotomus chrysops</i>	Not regulated/unknown			NAFO

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Tilefish	<i>Tautoga onitis</i>	Not regulated/unknown			NAFO
		Atlantic butterfish	<i>Lopholatilus chamaeleonticeps</i>	Not regulated/unknown			NAFO
		River herring (alewife)	<i>Peprilus triacanthus</i>	Not regulated/unknown			NAFO
		Argentines (NS)	<i>Alosa pseudoharengus</i>	Not regulated/unknown			NAFO
		Atlantic argentine	<i>Argentina spp.</i>	Not regulated/unknown			NAFO
		Long-finned squid	<i>Argentina silus</i>	Not regulated/unknown			NAFO
		Greenland cod	<i>Loligo pealei</i>	Not regulated/unknown			NAFO
		Atlantic menhaden		Not regulated/unknown			NAFO
		Atlantic saury	<i>Brevoortia tyrannus</i>	Not regulated/unknown			NAFO
		Bay anchovy	<i>Scomberesox saurus</i>	Not regulated/unknown			NAFO
		Bluefish	<i>Anchoa mitchilli</i>	Not regulated/unknown			NAFO
		Crevalle jack	<i>Pomatomus saltatrix</i>	Not regulated/unknown			NAFO
		Amberjacks (NS)	<i>Caranx hippos</i>	Not regulated/unknown			NAFO
		American conger	<i>Seriola spp.</i>	Not regulated/unknown			NAFO
		American eel	<i>Conger oceanicus</i>	Not regulated/unknown			NAFO
		Atlantic hagfish	<i>Anguilla rostrata</i>	Not regulated/unknown			NAFO
		Atlantic croaker	<i>Myxine glutinosa</i>	Not regulated/unknown			NAFO
		Atlantic needlefish	<i>Micropogonias undulatus</i>	Not regulated/unknown			NAFO
		Atlantic silverside	<i>Strongylura marina</i>	Not regulated/unknown			NAFO
		Atlantic thread herring	<i>Menidia menidia</i>	Not regulated/unknown			NAFO
		Baird's slickhead	<i>Opisthonema oglinum</i>	Not regulated/unknown			NAFO
		Black drum	<i>Alepocephalus bairdii</i>	Not regulated/unknown			NAFO
		Black seabass	<i>Pogonias cromis</i>	Not regulated/unknown			NAFO
		Blueback herring	<i>Centropristis striata</i>	Not regulated/unknown			NAFO
		Chars (NS)	<i>Alosa aestivalis</i>	Not regulated/unknown			NAFO
		Cobia	<i>Salvelinus spp.</i>	Not regulated/unknown			NAFO
		Common (Florida) pompano	<i>Rachycentron canadum</i>	Not regulated/unknown			NAFO
		Gizzard shad	<i>Trachinotus carolinus</i>	Not regulated/unknown			NAFO
		Grunts (NS)	<i>Dorosoma cepedianum</i>	Not regulated/unknown			NAFO
		Hickory shad	<i>Pomadasyidae</i>	Not regulated/unknown			NAFO
		Lampfishes	<i>Alosa mediocris</i>	Not regulated/unknown			NAFO
		Mullets (NS)	<i>Notoscopelus spp.</i>	Not regulated/unknown			NAFO
		North Atlantic harvestfish	<i>Mugilidae</i>	Not regulated/unknown			NAFO
		Pigfish	<i>Peprilus alepidotus (=paru)</i>	Not regulated/unknown			NAFO
		Rainbow smelt	<i>Orthopristis chrysoptera</i>	Not regulated/unknown			NAFO
		Red drum	<i>Osmerus mordax</i>	Not regulated/unknown			NAFO
		Red porgy	<i>Sciaenops ocellatus</i>	Not regulated/unknown			NAFO
		Rough scad	<i>Pagrus pagrus</i>	Not regulated/unknown			NAFO
		Sand perch	<i>Trachurus lathamii</i>	Not regulated/unknown			NAFO
		Sheepshead	<i>Diplletrum formosum</i>	Not regulated/unknown			NAFO
		Spot croaker	<i>Archosargus probatocephalus</i>	Not regulated/unknown			NAFO

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Spotted weakfish	<i>Leiostomus xanthurus</i>	Not regulated/unknown			NAFO
		Squeteague (Gray weakfish)	<i>Cynoscion nebulosus</i>	Not regulated/unknown			NAFO
		Striped bass	<i>Cynoscion regalis</i>	Not regulated/unknown			NAFO
			<i>Morone saxatilis</i>	Not regulated/unknown			NAFO
North Atlantic Salmon Conservation Organization	NASCO	Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
North Pacific Anadromous Fish Commission	NPAFC	Chum salmon	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Coho salmon	<i>Oncorhynchus keta</i>	Near historical high abundance with high hatchery production; not overfished	Canada, Japan, ROK, Russia, United States	Nov-08	N. Pac. Anadromous Stocks Convention
		Pink salmon	<i>Oncorhynchus kisutch</i>	Variable abundance but at medium level, Not overfished	Canada, Japan, ROK, Russia, United States	Nov-08	N. Pac. Anadromous Stocks Convention
		Sockeye salmon	<i>Oncorhynchus gorbuscha</i>	Near historical high abundance with high hatchery production in Russia and Alaska; not overfished	Canada, Japan, ROK, Russia, United States	Nov-08	N. Pac. Anadromous Stocks Convention
		Chinook salmon	<i>Oncorhynchus nerka</i>	Variable abundance but at medium level, not overfished	Canada, Japan, ROK, Russia, United States	Nov-08	N. Pac. Anadromous Stocks Convention
		Cherry salmon	<i>Oncorhynchus tshawytscha</i>	Low natural and hatchery production; near levels of overfishing	Canada, Japan, ROK, Russia, United States	Nov-08	N. Pac. Anadromous Stocks Convention
		Steelhead trout	<i>Oncorhynchus masou</i>	Low natural production, not overfished	Canada, Japan, ROK, Russia, United States	Nov-08	N. Pac. Anadromous Stocks Convention
			<i>Oncorhynchus mykiss</i>	Low abundance, some near overfished	Canada, Japan, ROK, Russia, United States	Nov-08	N. Pac. Anadromous Stocks Convention
Pacific Salmon Commission	PSC	Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Chum salmon	<i>Oncorhynchus keta</i>	Low production in Pacific NW and some overfished stocks	Canada, United States	Jan-09	U.S.-Canada Pacific Salmon Treaty
		Coho salmon	<i>Oncorhynchus kisutch</i>	Low production in Pacific NW and some overfished stocks	Canada, United States	Jan-09	U.S.-Canada Pacific Salmon Treaty

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Pink salmon	<i>Oncorhynchus gorbuscha</i>	Low production in Pacific NW and some overfished stocks	Canada, United States	Jan-09	U.S.-Canada Pacific Salmon Treaty
		Sockeye salmon	<i>Oncorhynchus nerka</i>	Low production in Pacific NW and many overfished stocks	Canada, United States	Jan-09	U.S.-Canada Pacific Salmon Treaty
		Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Low production in Pacific NW and many overfished stocks	Canada, United States	Jan-09	U.S.-Canada Pacific Salmon Treaty
		Steelhead trout	<i>Oncorhynchus mykiss</i>	Low production in Pacific NW and many overfished stocks	Canada, United States	Jan-09	U.S.-Canada Pacific Salmon Treaty
U.S.- Canada Alabacore Treaty		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		North Pacific Albacore	<i>Thunnus alalunga</i>	Unknown			
U.S.-Canada Pacific Whiting Agreement		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Pacific Hake/Pacific Whiting	<i>Merluccius productus</i>	Overfishing not occurring; not overfished	2007 report on the status of U.S. marine fish stocks	Mar-09	Agreement pending Canada ratification
Western and Central Pacific Fisheries Commission	WCPFC	Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		WCPO Bigeye Tuna	<i>Thunnus obesus</i>	Overfishing may be occurring, not yet overfished	WCPFC Scientific Committee, International Scientific Committee		WCPFC
		WCPO Yellowfin Tuna	<i>Thunnus albacares</i>	Overfishing may be occurring, not yet overfished	WCPFC Scientific Committee, International Scientific Committee		WCPFC
		Pacific Bluefin Tuna	<i>Thunnus orientalis</i>	Unknown	WCPFC Scientific Committee, International Scientific Committee		WCPFC
		WCPO Skipjack Tuna	<i>Katsuwonis pelamis</i>	Not overfished	WCPFC Scientific Committee, International Scientific Committee		WCPFC
		South Pacific Albacore	<i>Thunnus alalunga</i>	Not overfished; not subject to overfishing	WCPFC Scientific Committee, International Scientific Committee		WCPFC
		North Pacific Albacore	<i>Thunnus alalunga</i>	Fully exploited	WCPFC Scientific Committee, International Scientific Committee		WCPFC
		SW Pacific Swordfish	<i>Xiphias gladius</i>	May be overfished	WCPFC Scientific Committee, International Scientific Committee		WCPFC
		North Pacific Striped Marlin	<i>Tetrapturus audax</i>	Unknown	WCPFC Scientific Committee, International Scientific Committee		WCPFC
		South Pacific Striped Marlin	<i>Tetrapturus audax</i>	Unknown	WCPFC Scientific Committee, International Scientific Committee		WCPFC
		Antipodean Albatross	<i>Diomedea antipodensis</i>	Vulnerable	WCPFC-SC3-EB-SWG/IP-17		WCPFC

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
		Black-browed Albatross	<i>Thalassarche melanophrys</i>	Endangered	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Black-footed Albatross	<i>Phoebastria nigripes</i>	Endangered	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Buller's Albatross	<i>Thalassarche bulleri</i>	Vulnerable	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Campbell Albatross	<i>Thalassarche impavida</i>	Vulnerable	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Chatham Albatross	<i>Thalassarche eremita</i>	Critically Endangered	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Grey-headed Albatross	<i>Thalassarche chrysostoma</i>	Vulnerable	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Laysan Albatross	<i>Phoebastria immutabilis</i>	Vulnerable	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Light-mantled Albatross	<i>Phoebastria palpebrata</i>	Near Threatened	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Northern Royal Albatross	<i>Diomedea sanfordi</i>	Endangered	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Salvin's Albatross	<i>Thalassarche salvini</i>	Vulnerable	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Short-tailed Albatross	<i>Phoebastria albatrus</i>	Vulnerable, ESA Endangered	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Shy Albatross	<i>Thalassarche cauta</i>	Near Threatened	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Southern Royal Albatross	<i>Diomedea epomophora</i>	Vulnerable	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Wandering Albatross	<i>Diomedea exulans</i>	Vulnerable	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Waved Albatross	<i>Phoebastria irrorata</i>	Vulnerable	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Northern Giant-petrel	<i>Macronectes halli</i>	Near Threatened	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Southern Giant-petrel	<i>Macronectes giganteus</i>	Vulnerable	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Westland Petrel	<i>Procellaria westlandica</i>	Vulnerable	WCPFC-SC3-EB-SWG/IP-17		WCPFC
		Short-tailed Shearwater	<i>Puffinus tenuirostris</i>	Least Concern	WCPFC-SC3-EB-SWG/IP-17		WCPFC
Commission for the Conservation of Antarctic Living Marine Resources	CCAMLR	Common Name	Scientific Name	Applicable Statistical Area, Subarea, Division	State of Knowledge	IUCN and ESA Status (where applicable)	(Status) Fisheries Type
		Patagonian toothfish	<i>Dissostichus eleginoides</i>	48.4	assessed		established
		Patagonian toothfish	<i>Dissostichus eleginoides</i>	58. 5.2	assessed		established
		Patagonian toothfish	<i>Dissostichus eleginoides</i>	48.3	assessed		established
		Mackerel icefish	<i>Champsocephalus gunnari</i>	48.3	assessed		established
		Mackerel icefish	<i>Champsocephalus gunnari</i>	58.5.2	assessed		established
		Antarctic krill	<i>Euphuasia superba</i>	48.1	assessed		established
		Antarctic krill	<i>Euphuasia superba</i>	48.2	assessed		established

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		Antarctic krill	<i>Euphuasia superba</i>	48.3	assessed		established
		Antarctic krill	<i>Euphuasia superba</i>	48.4	assessed		established
		Antarctic krill	<i>Euphuasia superba</i>	58.4.1	assessed		established
		Antarctic krill	<i>Euphuasia superba</i>	58.4.2	assessed		established
		Toothfish	<i>Dissostichus spp.</i>	58.5.1 within French and South African EEZs	assessed		established
		Toothfish	<i>Dissostichus spp.</i>	58.6 within French and South African EEZs	assessed		established
		Toothfish	<i>Dissostichus spp.</i>	58.7 within French and South African EEZs	assessed		established
		Toothfish	<i>Dissostichus spp.</i>	88.1	assessed		exploratory
		Toothfish	<i>Dissostichus spp.</i>	88.2	assessed		exploratory
		Toothfish	<i>Dissostichus spp.</i>	48.6	new		exploratory
		Toothfish	<i>Dissostichus spp.</i>	58.4.2	new		exploratory
		Toothfish	<i>Dissostichus spp.</i>	58.4.3a outside areas of national jurisdiction	new		exploratory
		Toothfish	<i>Dissostichus spp.</i>	58.4.3b outside areas of national jurisdiction	new		exploratory
		Patagonian toothfish	<i>Dissostichus eleginoides</i>	58.5.2	new		exploratory
		Toothfish	<i>Dissostichus spp.</i>	88.2	new		exploratory
		Toothfish	<i>Dissostichus spp.</i>	58.4.1	new		exploratory
		Toothfish	<i>Dissostichus spp.</i>	48.3	new		exploratory
		Sevenstar flying squid	<i>Martialia hyadesi</i>	48.3	new		exploratory
		Subantarctic lithodid crab	<i>Paralomis spinosissima</i>	48.3	new		exploratory
		Subantarctic lithodid crab	<i>Paralomis formosa</i>	48.3	new		exploratory
		Marbled rockcod	<i>Notothenia rossii</i>	48.1	insufficient data or stock biomass		prohibited
		Marbled rockcod	<i>Notothenia rossii</i>	48.2	insufficient data or stock biomass		prohibited
		Marbled rockcod	<i>Notothenia rossii</i>	48.3	insufficient data or stock biomass		prohibited
		Humped rockcod	<i>Gobionotothen gibberifrons</i>	48.3	insufficient data or stock biomass		prohibited
		Blackfin icefish	<i>Chaenocephalis aceratus</i>	48.3	insufficient data or stock biomass		prohibited
		South Georgia icefish	<i>Pseudochaenichthys georgianus</i>	48.3	insufficient data or stock biomass		prohibited
		Grey rockcod	<i>Lepidonotothen squamifrons</i>	48.3	insufficient data or stock biomass		prohibited
		Patagonian rockcod	<i>Patagonotothen guntheri</i>	48.3	insufficient data or stock biomass		prohibited
		Grey rockcod	<i>Lepidonotothen squamifrons</i>	58.4.4	insufficient data or stock biomass		prohibited
		Toothfish	<i>Dissostichus spp.</i>	58.4.4 outside areas of national jurisdiction	insufficient data or stock biomass		prohibited
		Toothfish	<i>Dissostichus spp.</i>	58.5.1 outside areas of national jurisdiction	insufficient data or stock biomass		prohibited
		Toothfish	<i>Dissostichus spp.</i>	58.6 outside areas of national jurisdiction	insufficient data or stock biomass		prohibited

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		Toothfish	<i>Dissostichus spp.</i>	58.7 outside areas of national jurisdiction	insufficient data or stock biomass		prohibited
		Patagonian toothfish	<i>Dissostichus eleginoides</i>	58.6	insufficient data or stock biomass		prohibited
		Patagonian toothfish	<i>Dissostichus eleginoides</i>	58.7	insufficient data or stock biomass		prohibited
		Patagonian toothfish	<i>Dissostichus eleginoides</i>	58.5.1 outside areas of national jurisdiction	insufficient data or stock biomass		prohibited
		Patagonian toothfish	<i>Dissostichus eleginoides</i>	58.5.2 east of 70° 20' E and outside the EEZ to the west of 70° 20' E	insufficient data or stock biomass		prohibited
		Toothfish	<i>Dissostichus spp.</i>	88.2 north of 65° S	insufficient data or stock biomass		prohibited
		Toothfish	<i>Dissostichus spp.</i>	88.3	insufficient data or stock biomass		prohibited
		Lanternfish	<i>Electrona carlsbergi</i>	48.3	insufficient data or stock biomass		prohibited
		sharks		anywhere in the Convention Area	insufficient data or stock biomass		prohibited
		Unicorn icefish	<i>Channichthys rhinoceratus</i>	58.5.2			bycatch limited
		Grey rockcod	<i>Lepidonotothen squamifrons</i>	58.5.2			bycatch limited
		Rattails, grenadiers	<i>Macrourus spp.</i>	58.5.2			bycatch limited
		Humped rockcod	<i>Gobionotothen gibberifrons</i>	48.3			bycatch limited
		Blackfin icefish	<i>Chaenocephalis aceratus</i>	48.3			bycatch limited
		South Georgia icefish	<i>Pseudochaenichthys georgianus</i>	48.3			bycatch limited
		Marbled rockcod	<i>Notothenia rossii</i>	48.3			bycatch limited
		Grey rockcod	<i>Lepidonotothen squamifrons</i>	48.3			bycatch limited
		southern elephant seal	<i>Mirounga leonina</i>	All CCAMLR Convention Area			bycatch minimized
		Antarctic fur seal	<i>Arctocephalus gazella</i>	All CCAMLR Convention Area		Least concern	bycatch minimized
		Wandering albatross	<i>Diomedea exulans</i>	All CCAMLR Convention Area		Vulnerable (Declining Rapidly)	bycatch minimized
		Royal albatross	<i>Diomedea epomophora</i>	All CCAMLR Convention Area		Vulnerable (Stable)	bycatch minimized
		Black-browed albatross	<i>Thalassarche melanophrys</i>	All CCAMLR Convention Area		Endangered (Overall Declining)	bycatch minimized
		Campbell albatross	<i>Thalassarche impavida</i>	All CCAMLR Convention Area		Vulnerable (stable)	bycatch minimized
		Grey-headed albatross	<i>Thalassarche chrysostoma</i>	All CCAMLR Convention Area		Vulnerable	bycatch minimized
		Sooty albatross	<i>Phoebastria fusca</i>	All CCAMLR Convention Area		Endangered (Declining)	bycatch minimized
		Light-mantled albatross	<i>Phoebastria palpebrata</i>	All CCAMLR Convention Area		Near Threatened	bycatch minimized

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		Common Name	Scientific Name	Status, if known	Source of status information	Date of next status review, if known	Relevant treaty or agreement, if any
Large Coastal Sharks		Tiger	<i>Galeocerdo cuvier</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11	Unknown	
		Blacktip	<i>Carcharhinus limbatus</i>	Gulf of Mexico - Not overfished or overfishing occurring; South Atlantic - Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11	2010	
		Sandbar	<i>Carcharhinus plumbeus</i>	Overfished and overfishing occurring	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11	2010	
		Bull	<i>Carcharhinus leucas</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11	Unknown	
		Great hammerhead	<i>Sphyrna mokarran</i>	Unknown ¹	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11	unknown	
		Lemon	<i>Negaprion brevirostris</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11	Unknown	
		Nurse	<i>Ginglymostoma cirratum</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11	Unknown	
		Spinner	<i>Carcharhinus brevipinna</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11	Unknown	
		Tope, Soupfin, School	<i>Galeorhinus galeus</i>	Unknown	Summary of Stock Status for Fish Stock Sustainability Index 2007	Unknown	
Small Coastal Sharks		Atlantic sharpnose	<i>Rhizoprionodon terraenovae</i>	Not overfished or overfishing occurring	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 13	2011	
		Blacknose	<i>Carcharhinus acronotus</i>	Overfished and overfishing occurring	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 13	2011	
		Bonnethead	<i>Sphyrna tiburo</i>	Not overfished or overfishing occurring	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 13	2011	
		Finetooth	<i>Carcharhinus isodon</i>	Not overfished or overfishing occurring	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 13	2011	
Pelagic Sharks		Common Thresher	<i>Alopias vulpinus</i>	Pacific-Unknown	Summary of Stock Status for Fish Stock Sustainability Index 2007	Unknown	IATTC, WCPFC
		Pelagic thresher	<i>Alopias pelagicus</i>	Unknown	Summary of Stock Status for Fish Stock Sustainability Index 2007	Unknown	IATTC, WPFMC
Prohibited Species		Atlantic angel	<i>Squatina dumerili</i>	Unknown			
		Bigeye sand tiger	<i>Odontaspis noronhai</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11		
		Bigeye sixgill	<i>Hexanchus vitulus</i>	Unknown			
		Bigeye thresher	<i>Alopias superciliosus</i>	Pacific-Unknown	Summary of Stock Status for Fish Stock Sustainability Index 2007	Unknown	IATTC, WPFMC
		Bignose	<i>Carcharhinus altimus</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11	Unknown	
		Caribbean reef	<i>Carcharhinus perezi</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11	Unknown	
		Caribbean sharpnose	<i>Rhizoprionodon porosus</i>	Unknown			
		Dusky shark	<i>Carcharhinus obscurus</i>	Overfished and overfishing occurring	Cortes (2006) ²	Unknown	
	Galapagos	<i>Carcharhinus galapagensis</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11			

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	Narrowtooth	<i>Carcharhinus brachyurus</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11		
	Night shark	<i>Carcharhinus signatus</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11 ³	Unknown	
	Sand tiger shark	<i>Carcharias taurus</i>	Unknown	Southeast Data, Assessment, and Review (SEDAR) Assessment Report 11	2008	
	Sevengill	<i>Heptranchias perlo</i>	Unknown			
	Sixgill	<i>Hexanchus griseus</i>	Unknown			
Deepwater/Other Shark Species	Blotched catshark	<i>Scyliorhinus meadi</i>	Unknown			
	Broadgill catshark	<i>Apristurus riveri</i>	Unknown			
	Chain dogfish	<i>Scyliorhinus retifer</i>	Unknown			
	Deepwater catshark	<i>Apristurus profundorum</i>	Unknown			
	Dwarf catshark	<i>Scyliorhinus torrei</i>	Unknown			
	Iceland catshark	<i>Apristurus laurussoni</i>	Unknown			
	Marbled catshark	<i>Galeus arae</i>	Unknown			
	Smallfin catshark	<i>Apristurus parvipinnis</i>	Unknown			
	Bigtooth cookiecutter	<i>Isistius plutodus</i>	Unknown			
	Blainville's dogfish	<i>Squalus blainvillei</i>	Unknown			
	Bramble shark	<i>Echinorhinus brucus</i>	Unknown			
	Broadband dogfish	<i>Etmopterus gracilispinnis</i>	Unknown			
	Caribbean lanternshark	<i>Etmopterus hillianus</i>	Unknown			
	Cookiecutter shark	<i>Isistius brasiliensis</i>	Unknown			
	Cuban dogfish	<i>Squalus cubensis</i>	Unknown			
	Flatnose gulper shark	<i>Deania profundorum</i>	Unknown			
	Fringefin lanternshark	<i>Etmopterus schultzi</i>	Unknown			
	Great lanternshark	<i>Etmopterus princeps</i>	Unknown			
	Green lanternshark	<i>Etmopterus virens</i>	Unknown			
	Greenland shark	<i>Somniosus microcephalus</i>	Unknown			
	Gulper shark	<i>Centrophorus granulosus</i>	Unknown			
	Japanese gulper shark	<i>Centrophorus acuus</i>	Unknown			
	Kitefin shark	<i>Dalatias licha</i>	Unknown			
	Lined lanternshark	<i>Etmopterus bullisi</i>	Unknown			
	Little gulper shark	<i>Centrophorus uyato</i>	Unknown			
	Portuguese shark	<i>Cetroscymnus coelolepis</i>	Unknown			
	Pygmy shark	<i>Squaliolus laticaudus</i>	Unknown			
	Roughskin spiny dogfish	<i>Squalus asper</i>	Unknown			
	Smallmouth velvet dogfish	<i>Scymnodon obscurus</i>	Unknown			
	Smooth lanternshark	<i>Etmopterus pusillus</i>	Unknown			
	American sawshark	<i>Pristiophorus schroederi</i>	Unknown			
	Florida smoothhound	<i>Mustelus norrisi</i>	Unknown			

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		Smooth dogfish	<i>Mustelus canis</i>	Unknown			
		Smalltooth sawfish	<i>Pristis pectinata</i>	90% decline	National Marine Fisheries Service. 2006. Recovery Plan for Smalltooth Sawfish (<i>Pristis pectinata</i>).	2008	